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MediMARE

Mediation in Maritime
Disputes

GuideBook



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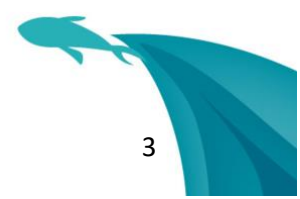
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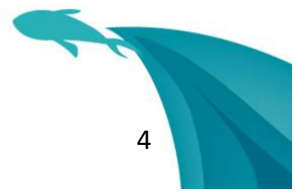




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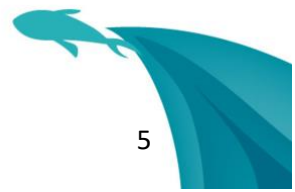
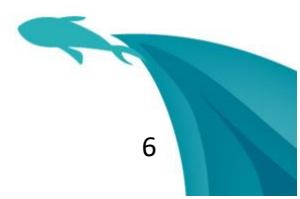




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GUIDEBOOK

The present guidebook aims to provide a general overview of the whole MediMare Project. For that, the coordinator partner(s) has/have organized a synopsis of the several components. Each component starts with an introduction and description of the context and the objectives, what was done, the results achieved, and as a wrap up, the lessons learned.

The Guidebook structure was developed following the project proposal, in VII main chapters, identifying for each component the partner(s) responsible, as following:

I – INTRO & OBJECTIVES

II – CONTENT FRAMEWORK

III – OUTREACH COMPONENT

IV – TRAINEESHIPS

V – INTENSIVE TRAINING COURSE ON MARITIME MEDIATION

VI – LESSONS LEARNED

VII - WRAP UP: FINAL REMARKS

The Project MediMARE: Mediation in Maritime Disputes

The MediMARE Project was a project funded by the EEA Grants (an agreement between European Union, Iceland, Liechtenstein and Norway, PT - INNOVATION-0065) under the coordination of University of Coimbra Institute for Legal Research (UCILeR) and with the participation of Polytechnic of Leiria, MARE - NOVA School of Science and Technology (MARE - NOVA) and NTNU-SR Social Research (NTNU Samfunnsforskning).

The project embarked in the development of courses and training tools to teach students and professionals working in the maritime field to expand their skills with mediation tools to promote a culture of peaceful dispute resolution in their current and future work in the maritime field.

The project developed relevant inputs about the importance of mediation for a consensus-oriented conflict management in maritime disputes, and produced a series of outcomes, available at the project website - <https://medimare.eu/>. This Guidebook give a synopsis of the several components of the projects and major findings.



I. INTRODUCTION & OBJECTIVES

The MediMARE project under the leadership of Dulce Lopes, from the University of Coimbra (Legal Research Institute), Portugal, funded by EEA Grants, aimed to develop courses and training tools to teach students and professionals working in the maritime field to expand their skills with mediation tools to promote a culture of peaceful dispute resolution in their current and future work in the maritime field. Partners included the Polytechnic Institute of Leiria with Catia Cebola as the team coordinator; Mare NOVA with Lia Vasconcelos coordinating; and NTNU-SR under the coordination of Kristine Størkersen (see annex 2)

Table 1: The Team

University of Coimbra	Polytechnic Institute of Leiria	Mare NOVA	NTNU-SR
Dulce Lopes	Cátia Marques Cebola	Lia Vasconcelos	Kristine Størkersen
Roberta Donato Fernando Borges Maria José Capelo André Jerónimo Sílvia Nolan João Costa e Silva Niedja Santos Luíza Barbosa	Ana Paula Alves	Francisco Libreiro Filipa Ferreira Catarina Branco	Jon Ivar Håvold Torgeir Haavik Stian Antonsen

It is important, on an introductory note regarding the main content of the project, to keep in mind that mediation includes an impartial third party to assist and support those involved in the conflict to find a solution. A key aspect of mediation is that the mediator neither "settles the issues" nor decides for the parties involved. Instead, he or she encourages the parties to collaborate in a consensual way to reach an agreement. It is an alternative to negotiation, arbitration, or judicial proceedings. The MediMare project aims to build a strong and qualified set of mediators that may act in maritime disputes.

Mediation finds in the maritime area a particularly still underexplored rich field for development. The purpose of this project is to unlock the potential of mediation in maritime issues as to promote an equitable and safety culture for all involved.



II. CONTENT FRAMEWORK

1. A taxonomy of maritime disputes as a foundation for mediation

Torgeir Haavik, Kristine Størkersen and Stian Antonsen (with contributions from Dulce Lopes, Maria José Capelo, Cátia Cebola, Lia Vasconcelos and Filipa Ferreira)

Coordination: NTNU-SR & MARE-NOVA

In this part a proposed taxonomy of maritime disputes is developed as a foundation for mediation. The proposed taxonomy will be important for the MediMare project, but also for the overall handling of maritime disputes. As a start, the taxonomy of maritime disputes will be a basis for the coming development of mediation scenarios for the workshops and Intensive Course on Maritime Mediation included as outputs in the MediMare project. It will also be useful for targeting the right curriculum in maritime mediation. On top of this, the taxonomy will increase knowledge and governance in the maritime field, contribute to understand the more recurring types of disputes and characterizing their traits.

This can further be analyzed from the point of view of social sciences, aiming at a better understanding and growing knowledge of the sea and its social, economic, and cultural phenomena. Indeed, sea is not only a natural environment, but much more than that since it allows for the development of economic and social systems that are different from those on land and that need to be analyzed more closely.

The fact that the Sea is a wide area in which several interests and projects interact, sometimes pointing out in different directions, shows that knowledge and dissemination of knowledge on maritime issues is tantamount to its dimension and importance as a vital life support system. The project aims to address this, by performing a research taxonomy that gives visibility to the main conflict situations at Sea or related to the Sea and linking them with the possibility for mediation to take place.

1.1 Basic framework

The taxonomy of maritime disputes intends to cover a wide number of disputes, for instance:

- circulation of vessels and coastal transport
- boundary disputes and use of marine resources by coastal countries

- 
- environmental disasters at sea
 - pollution related to ship traffic and fuel types.
 - contractual disagreements regarding provision of services
 - liability for non-performance
 - labour and disciplinary disagreements
 - fishing quotas adjudication
 - co-existence of activities, for instance location of fishing farms or other installations and different types of fishing gear as well as tourism and other recreational uses
 - offshore investments conflicts
 - disputes between seafarers
 - because of internal crew related issues
 - because of larger sectorial or political issues
 - safety management
 - discrimination and harassment claims
 - seismic activity
 - migration and salvage at sea

Most of these disputes, will be reconfigured and analyzed under the MediMare framework and respective taxonomy.

However, some issues that are more akin to public international law and instruments (for instance the delimitation of boundaries) will be excluded from the analysis, since there are already established legal mechanisms applicable.

Also, the conflictual interests between sea and shore will be only partially covered by the analysis, since they are *prima facie* unlimited, and refer only to a very small area covered by sea.

1.2 Taxonomy overview

Based on the assumption that there are *classes of cases* that differ from each other both with respect to the *actor landscape* and the *severity* of the disputes, a taxonomic system of disputes is constructed (see Figure 1).

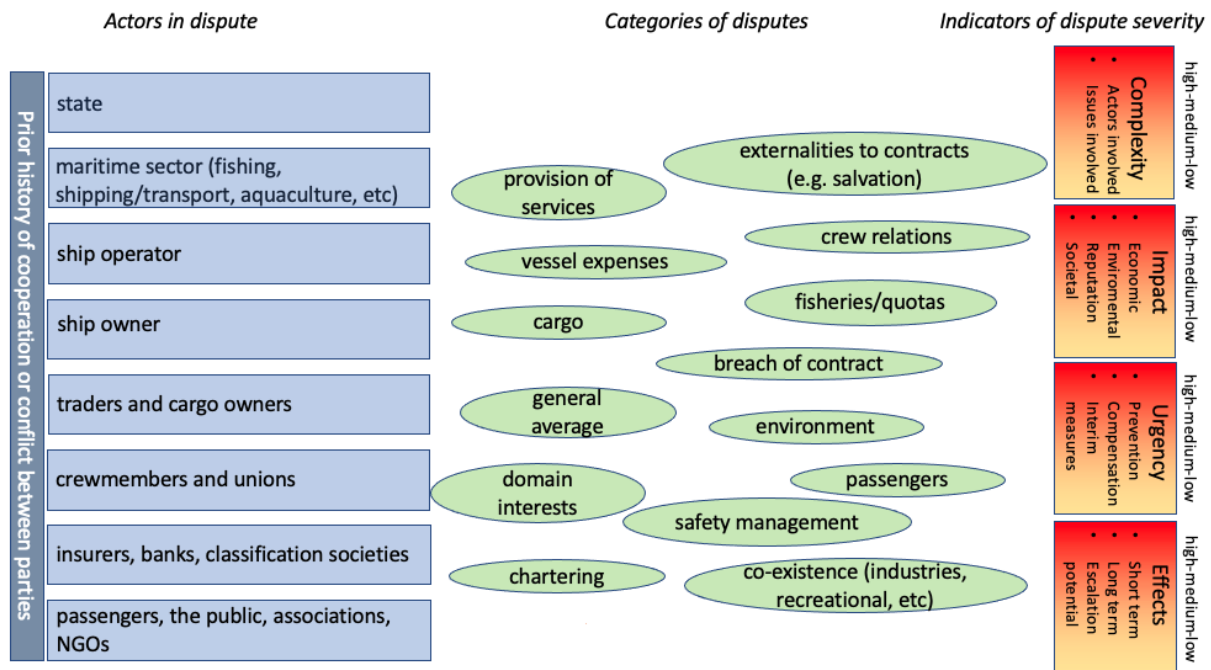



Figure 1: A taxonomy of disputes

This taxonomy will be an important reference for the framing of the courses on maritime mediation, both in terms of content and structure, but also for the sake of presenting the course in a synoptic and communicative manner to potential course participants.

1.3 Construction of the model

The taxonomy (Figure 1) is constructed from three main elements:

- Categories of disputes (green ovals in the middle) sharing characteristics regarding their empirical nature. For example, different disputes related to sharing costs in case of sacrificing of cargo for a greater good are grouped under 'general average'. Further, disputes among crews may have several different causes, but are still grouped together since they share this dimension of dispute. The classes are not mutually exclusive and might well be overlapping. This classification is greatly important, since it shows the multiplicity of disputes that may arise in the maritime field; also, the characterisation of the dispute needs to be produced at the beginning of a mediation process, therefore having a repository of categories of disputes helps to configure and delimit the concrete dispute to be mediated.
- Actor landscape (blue rectangles to the left) represent the different types of actor configurations involved in maritime conflicts. By linking a concrete case from one of the categories of disputes to a



certain actor configuration, the difference within classes of disputes will become visible. In one of the examples, we have linked a dispute associated with environment to “ship operator/nation”, indicating that it is on the high end of the actor landscape scale. This does not have to be the case with all environmental conflicts, however, since they may involve environment associated actors and private companies, for example, and not just the state. In any case, an approximate indication of the actors involved is of great importance to mediation, since it is a dispute resolution mechanism that depends on the involvement of the most relevant parties. It should be highlighted that the list of actors provided is not exhaustive and that there may be disputes that involve similar actors (for instance disputes between several forms of fishing).

- The severity of the dispute is an important parameter, and in the taxonomy we have decomposed this into four sub-types: Complexity, which includes both the issue complexity and the actor complexity; Impact, which is a grouped parameter translating several kinds of *stakes* or interests involved; Urgency, which says something about the need to solve the dispute within a certain timeframe; and Effects, stating the consequences foreseen (short term and long term) if the disputes are not being solved.

Additionally, a dimension that is relevant to characterize disputes is the previous history of conflict or cooperation between the parties. This will be relevant for the purposes of conducting mediation, mainly in the definition of the mediation model to be followed.

1.4 Importance of the model

As explained, the taxonomy model is of particular importance for mediation development in the maritime area. Mediation is a relevant alternative or extrajudicial dispute resolution mechanism that has gained international and national attention over the past decades, given its ability to solve highly technical disputes and other conflicts that do not find in Courts a proper or adequate seat for resolution. Mediation is also a mechanism that promotes a self-composition of interests from the several parties (public or private) involved. It aims therefore at a greater change of behaviour and of governance standards than the one that could be prompted by the intervention of Courts (even arbitral Courts).

As seen above, maritime disputes are of great diversity and can span from contractual to extracontractual issues, as well as from commercial and civil disputes to ones relating to public international law and European Union law. Also, maritime disputes are of great complexity given the fact that:

- They may involve the application of different laws, since most are of international nature – different locations, different parties from diverse areas of the world.
- They may imply the application or consideration of several professional, corporate, ethical, and behavioral rules.
- They may be relevant, at the same time, for different stakeholders (shipping companies; cruise companies, seafarers), but also for the wider public and citizens.

The purpose of the taxonomy is to explore the usage of mediation in all the illustrated situations, from multi-jurisdictional disputes to internal disputes, from bilateral mediation to multilateral mediation; from private disputes to publicly informed disputes; from simpler forms of mediation to highly complex technical mediation.

1.5 Application of the model

Some examples of disputes to operationalize the taxonomy are included in Table 1 below. This includes illustrative situations that could be a reference base for course-developers and for students. Also, it can be used as a tool for discussing empirical cases and thereby a further taxonomy.

The aim is that the taxonomy could be a tool for describing and framing conflicts prior to mediation, as a preparatory step to decide upon a suited mediation strategy.

Table 2: Examples of tabularisation of disputes

Topics involved in the dispute	Characterization (short description)	Actors involved	Complexity	Impact	Urgency	Effects
General average	Case: Dispute due to compensation for cargo thrown overboard to save a ship from grounding	Ship owner(s), ship operator, cargo owners	Medium	Medium	Low	Medium
Provision of services	Case: The fire extinguishment system retrofitted on a ship does not function appropriately	Ship owner(s), ship operator, system manufacturer	Low	Low	High	Medium
Fisheries quotas	Case: Fishing quotas were changed, and part	State, Maritime sector (not always with	High	Medium	Medium	High

	of the maritime sector is unsatisfied	converging views), associations				
Co-existence	Case: A company developed a wave energy technology located in a fishing domain (claim for compensation)	Maritime Sector (not always with converging views); eventually the State	High	Medium	Low	Medium
Environmental disasters at sea	Case: An oil ship (cargo) has an accident at sea and leaks oil affecting the coasts of three countries	States Maritime sector Cargo owners NGOs General public	High	High	High	High
Safety Passenger	Case: Due to Covid (or other illness) a cruise ship was stranded in one port and could not let its passengers out or set sail for another port	State Ship owner Passengers Insurances (eventually)	Medium	Medium	High	Medium
Domain interests	Case: Conflict between manager and users (fisherman's) due to disagreements on regulation of Marine Protected Area	State Manager of the Protected areas (Public Administration) and Maritime sector (Artisanal Fisherman's) Ship owners (small scale owners)	High	Low	Medium	High
Co-existence (ii)	Case: Shellfish gatherers activities and practice of wind sports in the same area (incompatibility of uses, safety issues)	Shellfish gatherers Wind sports users and promoters	Medium	Medium	Medium	High

Within this taxonomy, any dispute can be characterized in three dimensions: Categories of disputes; Actors; Severity. It is thus quite a powerful tool, or method for framing the nature of a specific problem, in the consideration of what type of mediation would fit a certain conflict. This can be a support in teaching mediation, but also show potential for mediation in real life.

Each dispute can be mapped onto the taxonomy, as illustrated below.

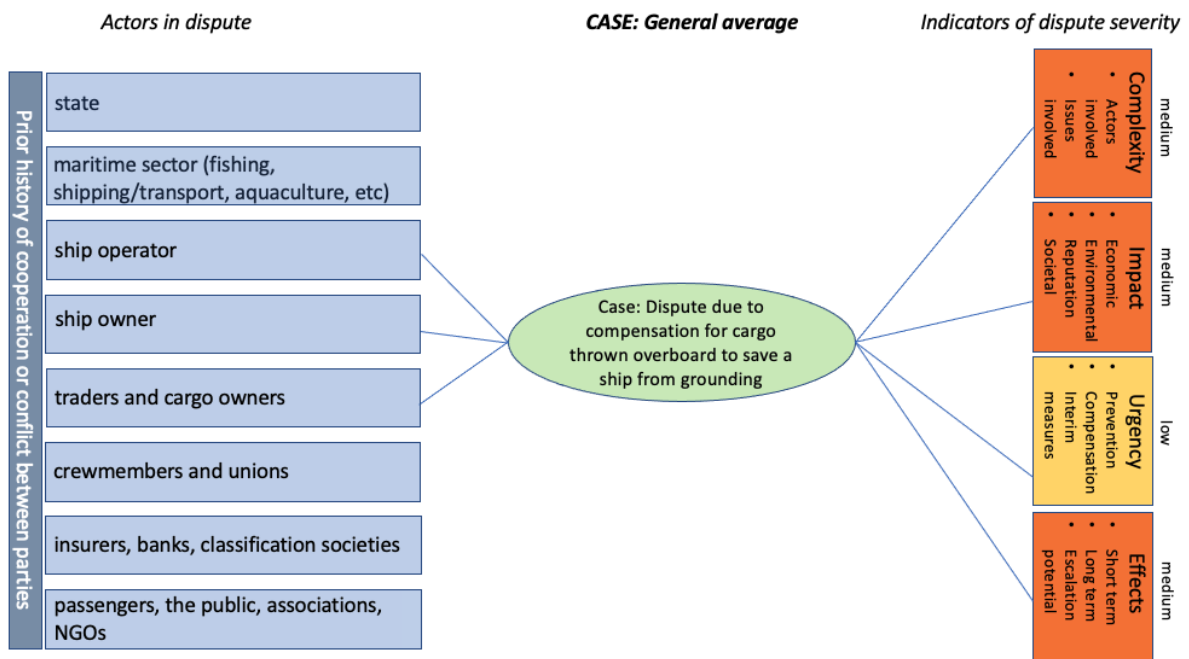


Figure 2: CASE: General average

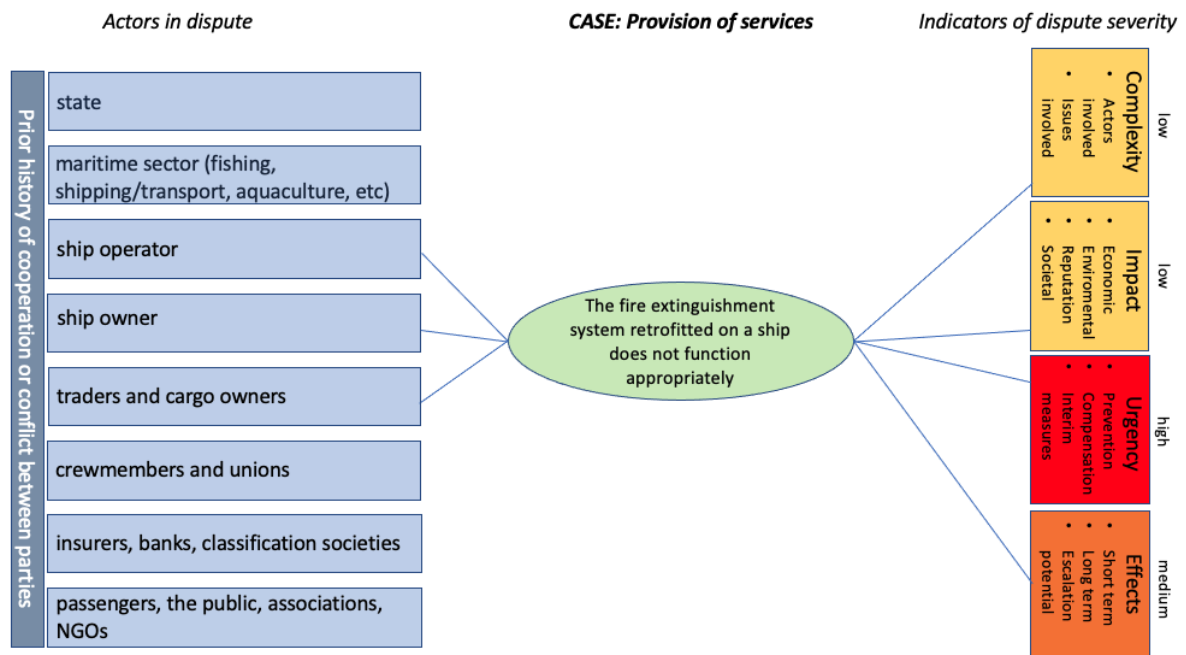


Figure 3: CASE: Provision of services

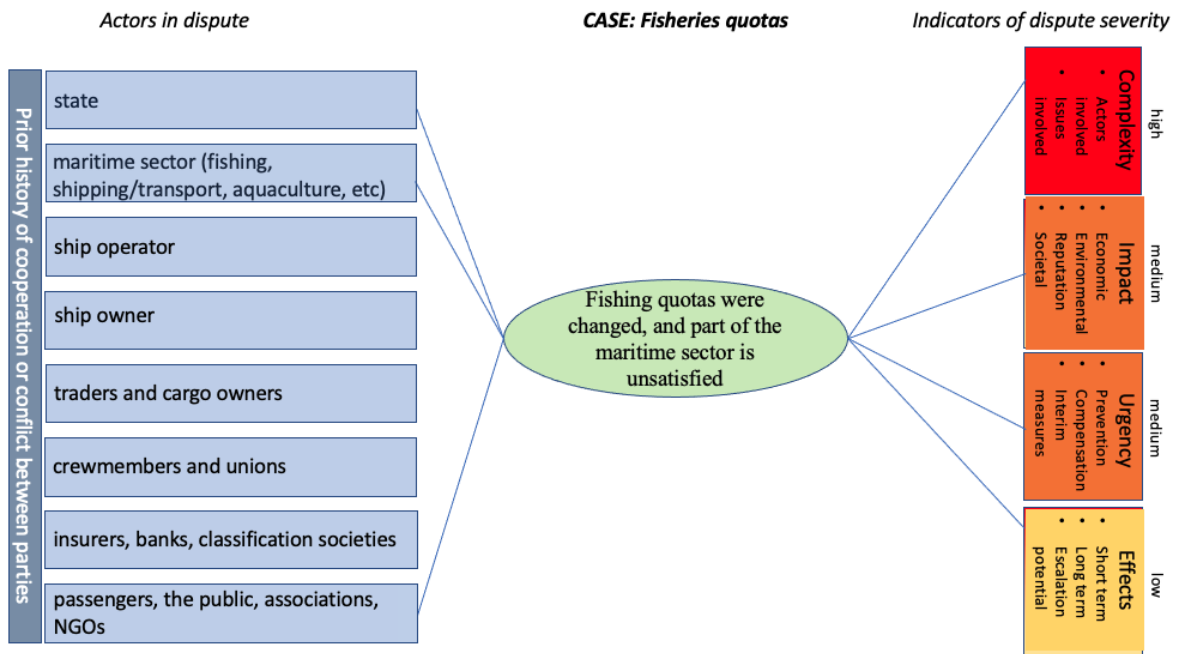


Figure 4: CASE: Fisheries quotas

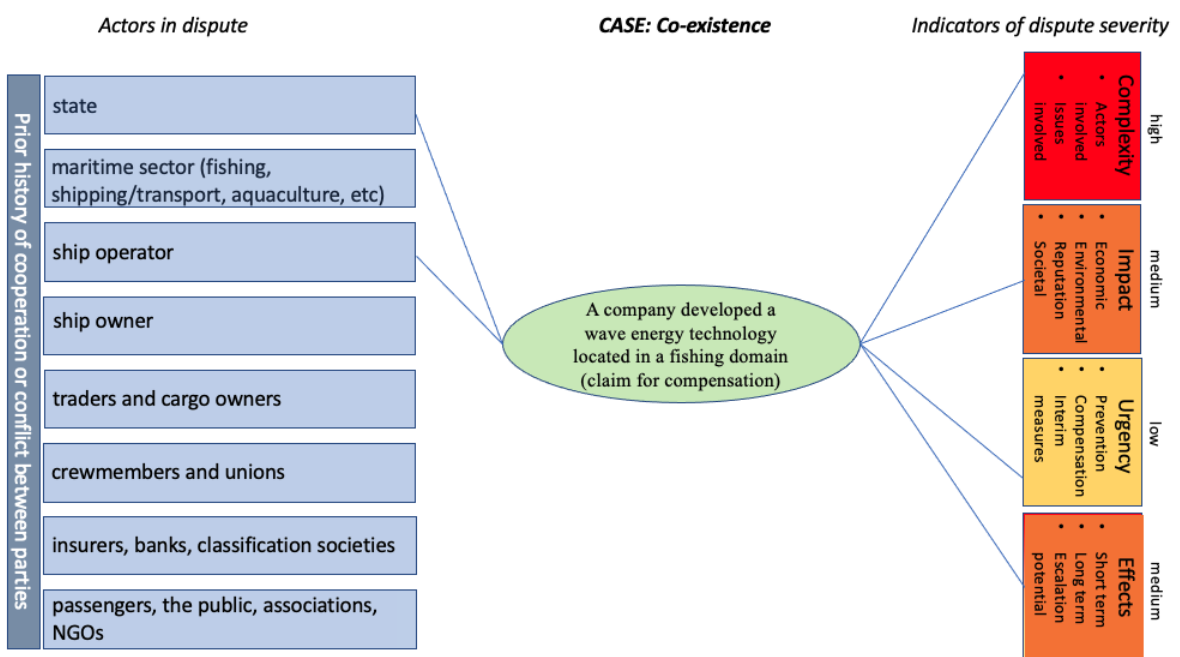


Figure 5: CASE: Co-existence

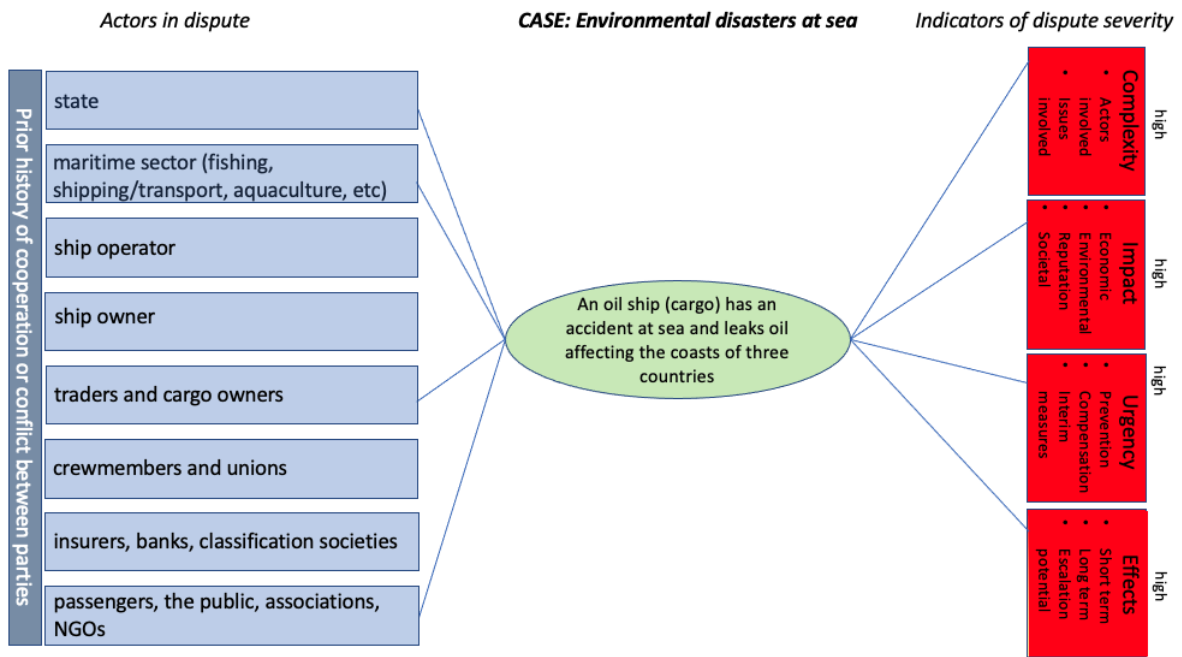


Figure 6: CASE: Environmental disasters at sea

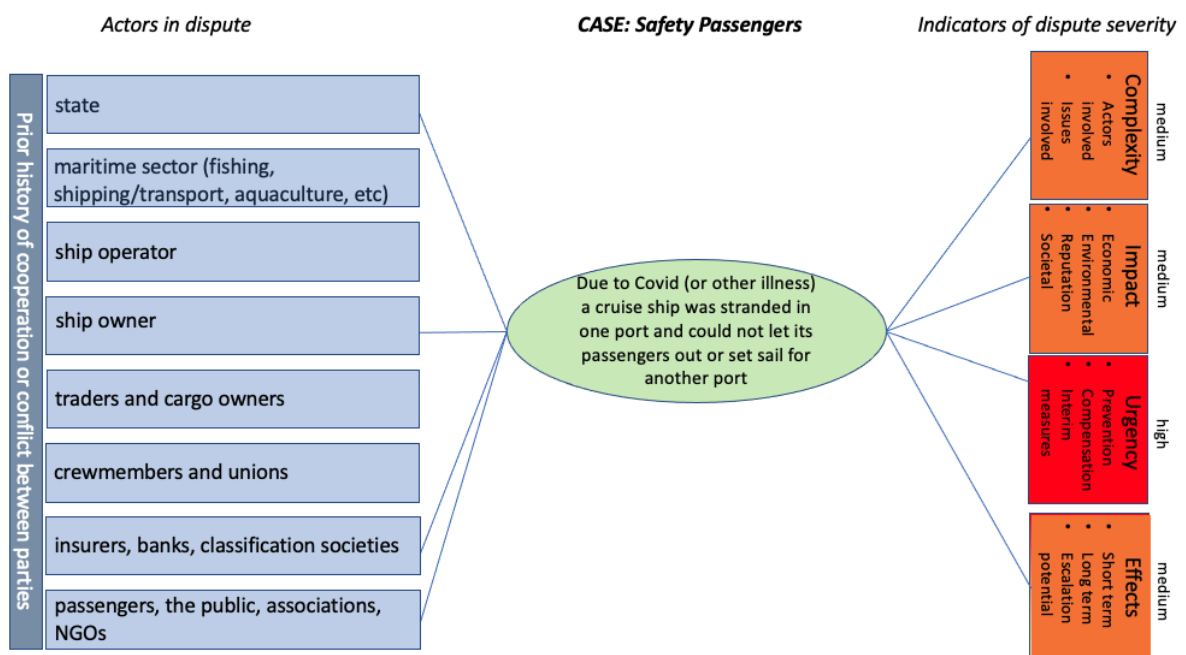


Figure 7: CASE: Safety passengers

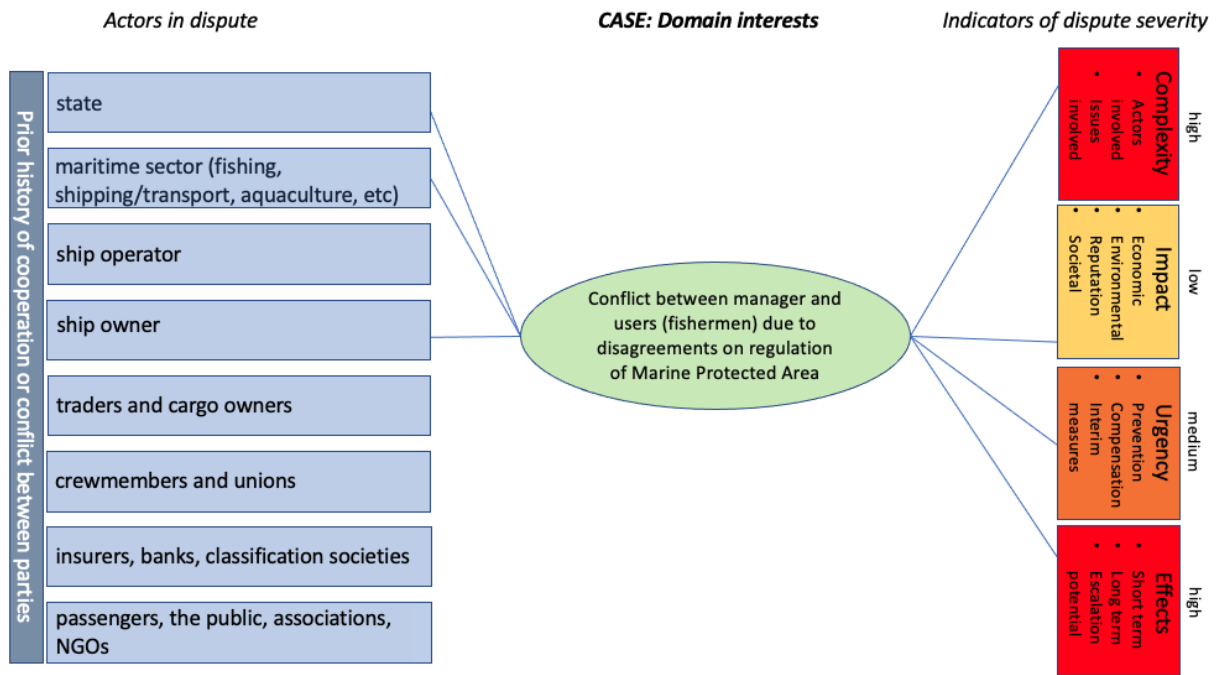


Figure 8: CASE: Domain interests

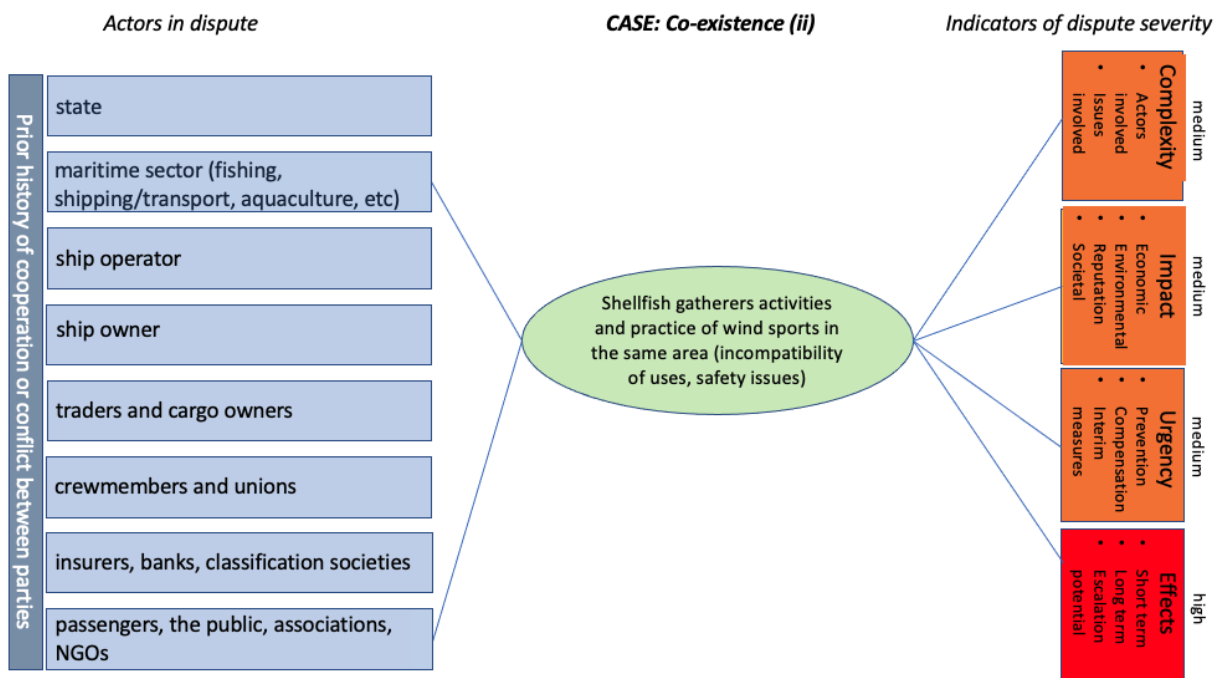


Figure 9: CASE: Co-existence (ii)



1.6 Next steps

The taxonomy developed was subject to discussion in MediMARE events and it was considered as a valuable tool by external experts with experience from the maritime mediation domain. Validation tests were also performed during the development of this taxonomy proposal. Advice has been taken from with several researchers, in project group workshops and in conversations with external researchers. A semi-structured interview has been performed, with a Norwegian ship-owner and navigator (May 12, 2022). This has led to improvements of the taxonomy structure, and thus the current proposal.

The second validation phase of the present taxonomy took place in three steps: a first, with the participation of non-beneficiary partners to the MediMare project, to whom the taxonomy was sent; the second through external expert interviews, that were oriented by an interview guide that was developed under the project scope; and the third through the use of this taxonomy in the Intensive Course on Maritime Mediation, as a way to better understand and categorize maritime disputes.


2. Curriculum analysis for Maritime Mediation – Setting the Stage

Coordination: MARE-NOVA

In this section, two aspects are considered, the definitions of several concepts key to support maritime mediation and a curriculum analysis carried on understanding the present existence of this type of training.

2.1 Key Concepts

The conceptual framework is approached below, giving the context and definition of the different concepts starting with the main type conflicts discussed within the MediMARE project and followed by the different parts of mediation.



Border Dispute Conflicts


Maritime conflicts will always be related to maritime security and conflict of maritime laws, namely directed towards maritime border disputes. Maritime border disputes are one of the most common and pertinent causes of maritime conflicts. Countries become increasingly concerned about their maritime resources as the world economy has become increasingly directed towards maritime resources, naming it the Blue Economy (Hasan et. al, 2018). Seeing this, each state becomes more and more attentive to its maritime borders to be able to exploit its resources, which leads states to claim jurisdiction over maritime territories (namely Exclusive Economic Zones (EEZs), giving rise to maritime conflicts between different coastal states. When conflicts escalate, states seek to resolve them through agreements, however, in most cases, states fail to achieve this. The United Nations Convention on the Law of the Sea (1970) states that the peaceful method for understanding maritime conflicts must achieve consensus to accept the jurisdiction of the Convention, otherwise, states will not be able to take advantage of any of the benefits offered by the Convention (Hasan et. al, 2018).

To understand the concept of maritime conflicts regarding the maritime border dispute, it is necessary to understand the concept of maritime borders. According to Hassan et. al (2019), maritime boundaries correspond to the theoretical division of the Earth's water surface using geopolitical and geographic criteria. Generally, it connects areas exclusive to national rights over marine resources, encompassing maritime boundaries, zones, and features. According to the United Nations Convention on the Law of the Sea (1970), maritime boundaries represent the borders of a coastal nation, which serves to identify the boundary of international waters. Maritime boundaries exist in the context of territorial waters, EEZs, and contiguous zones (Hasan et. al, 2018).

Maritime border disputes correspond to a dispute over the demarcation of different sea areas between states. This is a common scenario globally. Of the potential 512 maritime borders, less than half have been agreed upon, creating room for conflict over those that have not been agreed upon. In addition, conflicts over maritime borders occur regularly due to economic, trade, and security interests and are a common investment risk in the energy sector (Østhagen, 2020).

Environmental Conflicts

Environmental disputes sometimes arise because of a facility siting initiative that alters the landscape and the pattern of activities around it, including natural features. Often, a limited natural resource is at stake



and the parties differ about how it should be used, by whom, and to what extent. Conflicts are considered environmental when they are fought over a natural resource. Examples of conflicts over scarce resources include cases of sharing water resources in arid areas, exploitation of oil and mineral reserves in regions of high natural value, or intense logging activity that disrupts valuable ecosystems (Shmueli & Kaufman, 2006).

Environmental conflicts encompass a wide variety of disputes in terms of issues, scale, parties, history, and conflict management processes. They can erupt at the local, regional, or national level. Since environmental features such as water bodies, wildlife habitat, or air movements do not recognize administrative boundaries, there are also transboundary environmental disputes that place countries in dispute over a scarce resource, or pollution. Environmental conflicts involve multiple stakeholders, affected by the outcomes because they are responsible for them (whether they are in administrative or regulatory positions) or because their values may be challenged by the outcomes (Shmueli & Kaufman, 2006).


Private Conflicts – commercial and labor

There are several maritime disputes regarding private conflicts. Most of the international trade is done through maritime means, and private conflicts encompass the relationships derived from such activities. These may be related to misunderstandings and conflicts on commercial contracts of sale and purchase of merchandise, maritime transportation of such merchandise, conflicts related to the breach of contracts and misinterpretation of documents and contracts of transportation, such as bill of lading and charter party contracts, as well as cargo disputes, which are those caused by any conflicts related to cargo, and possible damages occurred during transportation.

There are also conflicts caused by the breach of contract of several types, commercial and civil, which may be ship construction contracts, maintenance, and the rendering of other types of services for the vessel (and vessel expenses).

Labor relations may also lead to maritime disputes, as the relationships happen overseas. Crew workers, offshore platform workers, cruise workers, these are all labor relations that are developed in the maritime domain and have a potential conflict, since, besides the regular issues relating to the labor conflicts, some of these workers remain on board of a ship for long periods, which can escalate the potential of conflicts.

Passengers are also involved in maritime private conflicts since they are the ones to use ships in cruises, for recreational purposes. A cruise contract involves a multiplicity of relationships, ranging from transport, food supplier, and recreational nature transport.



Besides these, there are conflicts related to incidents and accidents of the sea, which are common and eventually unavoidable, some caused by force majeure, such as general average. In general average conflict a loss is intentionally caused to suppress a higher loss, and the parties involved share the costs.

Mediation

According to Shmueli & Kaufman (2006), mediation corresponds to the intervention of an impartial party who facilitates movement toward a negotiated settlement by modifying the physical and social structure of the dispute, changing the structure of the issue, and increasing the motivation of the disputants to reach an agreement. The mediator can be an individual or a team, appointed by an external party or by the parties concerned.

Their characteristics include voluntary participation and agreement, confidentiality of the exchanges between the parties, and the search for mutual satisfaction and solutions. These characteristics are well suited for the multiparty and complex context of conflicts. Mediation is often used simultaneously with other modes of conflict management. Some current challenging issues for environmental mediation include: the production and communication of technical data to lay audiences, especially about risks; training and evaluation of mediators; addressing conflicts that are resistant to resolution; the timing of intervention; and whether agreement should be sought in all cases (Shmueli & Kaufman, 2006).

Mediation is, by definition, a process in which the parties to a dispute attempt to reach a mutually agreed solution under the auspices of a third party by reasoning out their differences. To this end, a mediator will begin by identifying and selecting the parties to mediation (if they are not self-selected). Preliminary interviews with these parties may indicate the extent to which a mutually satisfactory outcome is conceivable. If such an outcome is not conceivable, the mediator can at least avoid further frustration by ending the effort. If the initial explorations offer some encouragement, the mediator can proceed to provide a channel for initial communications between the actors, disseminate pertinent information to all sides, and establish initial rules for debate (Dryzek & Hunter, 1987).

The mediator may also take steps to reduce rigidity in the adversaries' negotiating positions, attempt to conceptualize the issue by reference to new problem definitions or normative judgments, offer incentives to the parties involved, and oversee subsequent compliance with any agreements reached (Young, 1972, pp. 56-60; Raiffa, 1982, pp.108-109 and Wall (1981). Many of the mediator's tasks require supervision of the interaction between suing parties. But the mediator must also attend to the content of the proposals on the agenda, and how they relate to the positions and interests of the parties involved. An ill-timed, controversial



or unacceptable proposal risks exacerbating differences and perhaps even scuttling the mediation attempt (Dryzek & Hunter, 1987).

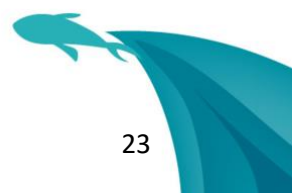
It is important to distinguish mediation from procedures such as arbitration and court judgment in which the third party reaches a verdict. The product of mediation is not a verdict, but rather consensus among the parties involved. This consensus should ideally represent a set of tradeoffs sensitive to the core concerns of those parties. The mediator's intervention is not binding: "The ideal mediator is one to whom these words apply: When the task is accomplished, everyone says 'it happened of its own accord'" (Edmead, 1971: 1).


In addition to these minimal tasks, the mediator may also take steps to reduce rigidity in the adversaries' negotiating positions, attempt to conceptualize the issue by reference to new problem definitions or normative judgments, offer incentives to the parties involved, and oversee subsequent compliance with any agreements reached. Many of the mediator's tasks require overseeing the interaction between the parties in the process. But the mediator must also attend to the substantive content of proposals on the agenda, and how they relate to the positions and interests of the parties involved. An ill-timed, controversial, or unacceptable proposal risks exacerbating differences and perhaps even scuttling the mediation attempt (Dryzek & Hunter, 1987).

According to Conceição (2015), invoking the classical mediation technique requires that the parties in conflict choose a third party, the mediator, impartial and neutral, but without decision-making power, who helps them to develop, by themselves, the solutions for the resolution of the conflict. The mediator must: create the necessary trust; manage emotions; convey respect; develop empathy; adopt a listening and interested attitude; increase the "self-determination" of the parties; and demonstrate optimism to resolve the problem. Mediation involves specific techniques and procedures, which sometimes requires an exercise of patience, since success results, in some cases, from a succession of "small steps" during which the accumulated tensions between the parties will be decompressed.

Maritime Mediation

According to Rodney & Ziebarth (2012), maritime disputes can arise through a variety of factors, but for most, maritime mediation is a form of Alternative Dispute Resolution (ADR) that can help parties achieve a timely and cost-effective resolution. While there are no "winners" or "losers" in maritime mediation, the process involves communication between both parties in the presence of a neutral, third-party mediator who is an expert in maritime law. This mediator then suggests a way to resolve the issue that is fair to all involved.





The disputing parties can then either reject or accept the mediator's suggestion. If they choose to reject it, they can go to arbitration or litigation at any time and the mediator's suggestion is not legally binding.

Environmental Mediation

Environmental dispute mediation has special features, some unique, that correspond well to its characteristics:


- it can accommodate multiple parties;
- its flexible process design can extend over time as needed;
- the voluntary aspects increase the comfort level of some parties and their commitment to implement joint decisions;
- it often preserves or improves relations between parties that have to meet again and negotiate on the same or other issues;
- participation in environmental mediation serves to educate the parties to process issues, with effects that last beyond the current dispute.

If the mediation is successful, the collective memory of a collective experience will help in future meetings.

The specific model of a mediation process applied to environmental conflicts may differ in some of its key aspects from other contexts (such as labor-management or organizational disputes, landlord-tenant, or divorce). Environmental mediation is initiated in a variety of ways, including a party with prior experience proposing it, an agency offering to sponsor it, or a party offering to play that role. The parties must agree on the choice of mediator (Shmueli & Kaufman, 2006).

Mediation within the Portuguese Exclusive Economic Zone (EEZ)

Maritime mediation in Portugal is illustrated in multiple ways. The first to be addressed is the maritime conflicts arising from the uncertainty between Portugal and Spain over the maritime boundary of the Selvagens Islands of the Madeira Archipelago, which calls into question the nationality of the Islands, classified as a public conflict. It is an indisputable fact that the Selvagens Islands are, geographically speaking, an independent archipelago. It is also a fact that the Selvagens, located between the Portuguese islands of Madeira and the Spanish islands of the Canary archipelago has been involved for centuries at the center of an Iberian dispute between the two countries (Graça, 2015).



It is important to note that the Permanent Commission of the International Maritime Law addressed in the year 1938 that the nationality of the islands is not dependent on their greater proximity to the Canary Islands than to the other islands of Madeira. In fact, according to history, the Selvagens have always been occupied by the Portuguese and not by the Spanish. For centuries the Selvagens were privately owned, but always by Portuguese citizens and since 1971, after being sold, were registered in the name of the Portuguese State. Until their discovery, the Selvagens were always inhabited by Portuguese, which means that the Selvagens belong to Portugal by "right of discovery" (Graça, 2015). This is further certified by the fact that, since the installation of Madeira, the Selvagens and Desertas Islands have been incorporated into the government of the archipelago. Portugal's sovereignty over the Selvagens has also been (consensually) recognized by international partners and international organizations, such as UNESCO, which recognize Portugal's sovereignty over the islands (Graça, 2015).

Given this dispute of sovereignty and territory, it is natural that conflicts occur, namely between Portuguese and Spanish citizens, who seek to take advantage of the maritime advantages that the Selvagens have to offer. The conflicts related to the sea that happen most frequently, concern the seizure of Spanish ships by the Portuguese maritime authorities and fishing boats, or even the practice of underwater fishing (forbidden in the region), by Spanish fishermen from the Canary Islands, which surround the Portuguese waters of the Selvagens Islands. All this happened because Spain and Portugal - countries that have signed the United Nations Convention on the Law of the Sea and the related Agreement on the application of Part XI of this Convention - have a problem with the unilateral delimitation that Portugal has established regarding its Territorial Sea, its Continental Shelf and its Exclusive Economic Zone, in particular with the delimitation of the southern flank of the EEZ in the Madeira sub-area (Graça, 2015).

The second example of mediation - in this case, not directly linked to the sea but to the simple use of mediation in Portugal - concerns arbitration in the Lusophone areas. Now, the international community pays particular attention to the "Lusophone Sea", which, according to Matias (2010), concerns the vast area of the South Atlantic, with undefined limits, located south of the "neck of Africa". The same author also mentions that there is a "physical continuity, which suggests an unusual affinity between the South Atlantic and its external vertex, spiritually linked to Portugal" (Matias, 2010). This political affinity, which may in fact extend to the Indian Ocean, recognizes the special economic relations between the various Portuguese-speaking countries trying to form parts of a similar physical continuity, with abundant oil resources, minerals, energy, fishing, shipping, and tourism, for example (Conceição, 2015).



2.2 Case studies - Conflicts in the Atlantic High Sea

Two case studies are presented here as an illustration of conflicts arising in the Atlantic High Sea:

The “Whaling” Case


The phenomenon of whaling has been on the international political agenda since 1925, when the League of Nations, in response to declining whale stocks, recommended international whale protection. However, the decline continued and in 1946, the International Whale Commission (IWC) was established, whose decisions are made through votes, defined by its member states (Dryzek & Hunter, 1987).

State and non-state actors with a stake in the whaling phenomenon include governments (whether whalers or not), environmental groups (NGOs) such as Greenpeace and Friends of the Earth, aboriginal whalers (in Alaska and Australia), commercial whalers, consumers of whaling products, scientists (mainly marine biologists and ocean ecologists), and international organizations such as the IWC and the United Nations. The number of potential participants would seem to bode ill for mediation, especially given the lack of consensus on the legitimacy of the participants: Japan and the Soviet Union would not be able to consensus and reason on equal terms with Greenpeace or the Californian whale watchers. Moreover, there is a vast difference between the capacities of governments like the U.S. or Norway to act and Alaskan whalers or Friends of the Earth activists (Dryzek & Hunter, 1987).

However, all actors involved agree that the problem of declining whale populations exists. For neutral observers, the whaling problem presents an aggravating factor - the oceans are not owned by any nation and whales ignore any existing national boundaries. For some environmentalists, the problem consists of acts of inhumanity toward whales; for ecological environmentalists, the problem concerns the disruption of the ocean ecosystem. Major whaling countries such as Japan and Taiwan face an economic problem of overcapitalization of their whaling industries, while also facing sanctions from world public opinion regarding the issue and the constant threat of economic reprisals (Heck, 1975).

The difficulties that arise through lack of consensus on the legitimacy of the participants can be avoided by interesting non-governmental actors using nation-states to present their concerns. The use of nation-state proxies for non-governmental actors would make the number of parties in the mediation process manageable. In addition, there are possibilities for coalition between actors - the whaling states have common interests; environmental groups could cooperate with each other, with aboriginal whalers, and with the scientific community.

The capabilities of the actors are more equal than they appear at first glance; whaling is an area where the powerless can have some success against the powerful. Consider, for example, the success of Alaskan



whalers in battles with the United States federal government over aboriginal whales - achieved by political tactics and by and exploitation of sympathies for aboriginal rights (Dryzek, 1983). Would mediation on the whaling problem produce decisive results? The likelihood of decisive results is increased because the content of any mediated agreement could not be overridden by any parallel or competing institution - because none exists (Dryzek & Hunter, 1987).

For mediation to be successful, a common ground (actual or potential) must exist. It is clear that most of the conditions necessary for international environmental mediation to occur and be successful, require that both dispute resolution and collective problem solving, which can be met or approximated, as in the case of whaling. One party could assume itself as the competent and credible mediator. Candidates here might include government representatives or professional mediators from nations that are neutral both politically and regarding the whaling issue (e.g., Switzerland, Mexico or Argentina). Any mediator must accept the different perspectives of the Soviet Union, the USA, North Korea, Taiwan and Japan - all of which engage in some form of whaling (Dryzek & Hunter, 1987).

The Conflict of the mackerel in the Northeast Atlantic

The case of the mackerel dispute in the Northeast Atlantic illustrates what happens if conditions regarding environmental-social conflict worsen (Spijkers & Boonstra, 2017). Now, the Northeast Atlantic mackerel species (*Scomber scombrus*, Linnaeus 1758), is a migratory species that covers a considerable area between the area where it spawns, feeds, and inhabits during the winter (Lockwood, 1988). There are three large stocks of this type of mackerel, which are distributed throughout the North Sea and its western and southern components. These three large stocks can be considered just one, since after spawning they all move to the same area to feed during the spring and summer. This feeding area is usually near the southern part of the Norwegian coast and in the northern part of the North Sea (ICES Factsheet, 2016).

The change regarding the geographical distribution of the Northeast Atlantic mackerel has induced international conflict between the European Union (EU), Norway, the Faroe Islands and Iceland, i.e. the so-called Coastal States - responsible for managing the stock of this species (consult the Figure 1, below). Stocks that reside in the international waters of the Northeast Atlantic, such as mackerel, are managed by the North-East Fisheries Commission (NEAFC), where the contracting parties - the EU, Norway, Iceland, Russia and Denmark (on behalf of the Faroe Islands and Greenland) - negotiate the division of fisheries resources. When stocks frequent a state's national waters (its EEZ), the nation is then considered a "coastal state," responsible for that stock and has the right to preserve it, within its EEZ (Spijkers & Boonstra, 2017).

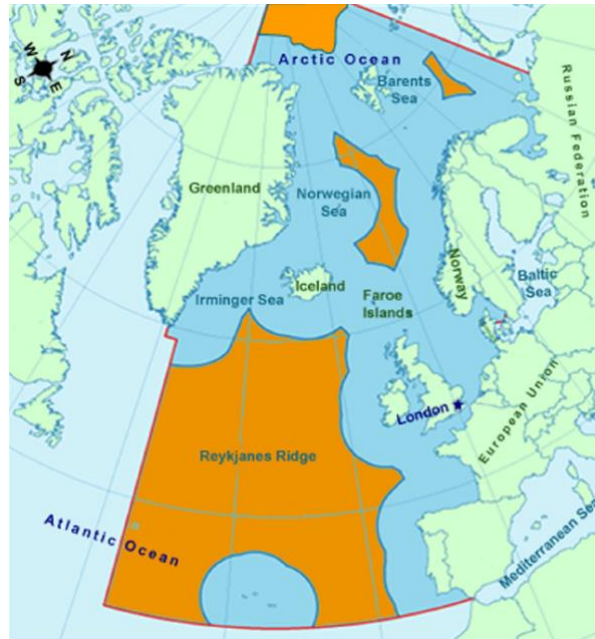


Figure 10: International waters of the NEAFC (Northeast Atlantic Fisheries Commission) (in orange). EEZ of the coastal States (in blue).

Source: Spijkers, K., Boonstra, W. (2017). Environmental change and social conflict: the northeast Atlantic mackerel dispute. *Regional Environmental Change*. 17, 1935-1851. Available at: <https://doi.org/10.1007/s10113-017-1150-4>

Stock planning in the Northeast Atlantic region is a two-step process: first, Coastal States agree on quotas and stock planning, before discussing the matter with NEAFC, second, the matter is discussed, so that they can manage fisheries resources in waters outside their national jurisdiction (Vanderzwaag & Russel, 2010). This NEAFC regulatory area consists of the north-eastern regions of the Atlantic Ocean, the Barents Sea and Norwegian Sea, and the Arctic Ocean (Spijkers & Boonstra, 2017).

The intrastate conflict we refer to, the mackerel dispute, began in 2007 when the stock migrated and spawned further and further north and west into the Nordic Sea regions and their corresponding EEZs (Nottestad et al, 2014). This migration area progressively expanded to the coast of Iceland and as far south as Greenland to the west (Spijkers & Boonstra, 2017). This change in stock distribution is reflected in food availability and may be associated with temperature increase and/or stock increase. This change in mackerel distribution may influence the legitimacy that Coastal States have regarding quotas for the species (Gänsbauer et al, 2016).

The change in the geographical distribution of mackerel resulted in a "spatial impasse" (Galaz et al, 2008), this is because Iceland and the fishing quotas and policies were not included in the Coastal States' management plans. This impasse - the lapse in encompassing the geographical area and including the most relevant stakeholders - has not only resulted in the overfishing of Northeast Atlantic mackerel since 2007 but

has also eroded the legitimacy and functioning of existing Coastal States' management plans (World Ocean Review, 2016). Following the change in mackerel distribution, the Coastal States attempted to include Iceland in their negotiations. Eventually, Iceland was granted "observer" status, however, Iceland was neither present nor involved in the agreements regarding the "total allowable catch" (TAC) and the quota allocations per country. The main reasons for this failure relate to the social and political dispute between the Coastal States that persists to this day. This conflict prevents collaboration and thus sustainable stock management (Spijkers & Boonstra, 2017).

It is important to note that the origin of the management of this mackerel species through NEAFC began in 1999, when the EU, Norway and the Faroe Islands were considered the Coastal States responsible for the stocks. As mentioned earlier, starting in 2007, mackerel expanded its distribution further north and west, entering the Icelandic EEZ (in 2007, Iceland caught 36,706 tons of mackerel (6% of a total fish catch of 586,206 tons), and in 2008, it increased its catch to 120,286 tons) (ICES Advisory Committee, 2014). Since the catch by Iceland has become considerable, the Coastal States granted Iceland Coastal State status in 2010 (OECD, 2011).

When Iceland became a Coastal State, it shared responsibility with the other Coastal States to agree on sustainable management of the mackerel stock, which includes quota allocation (consult the Figure 2, below). However, the Coastal States proved unsuccessful in reaching agreement on quota allocation. Instead, the states were stuck in a political stalemate due to their different perspectives on the stock rights appropriate to each state (Spijkers & Boonstra, 2017).

However, Iceland and the Faroe Islands have set unilateral quotas (Seafish, 2014). The Faroe Islands withdrew from the Coastal States agreements made with Norway and the EU in 2009 and allocated the TAC for mackerel unilaterally. The EU responded to this action by sanctioning the Faroe Islands with trade restrictions in 2013 (Jensen et al. 2015). The sanctions resulted in an embargo on imports of mackerel (and derived products) into the EU. The EU also restricted access for Faroese fishing vessels to EU ports (European Commission, 2013). The conflict between the EU and Norway and the Faroe Islands eventually dissolved in 2014 with a new management agreement, which allocated a substantially larger mackerel quota to the Faroe Islands (Droesbeke, 2015). Ultimately, Iceland was not included as a partner in the agreement, while the other Coastal States agreed on quota allocations and long-term stock management agreements (between 2014-2018) (Droesbeke, 2015).

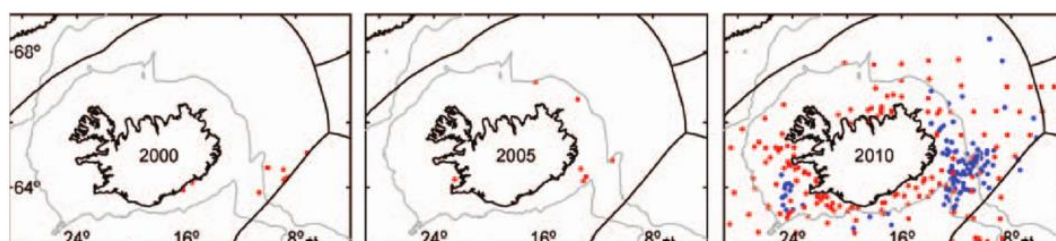




Figure 11: Mackerel location alongside the Icelandic EEZ (from 2000 to 2010).

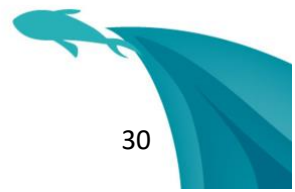
Source: Spijkers, K., Boonstra, W. (2017). Environmental change and social conflict: the northeast Atlantic mackerel dispute. *Regional Environmental Change*. 17, 1935-1851. Available at: <https://doi.org/10.1007/s10113-017-1150-4>

2.3 Curriculum analysis

A search for programs in Maritime Mediation was conducted without much success. The closest found where courses are Mediation or on Environmental Mediation, revealing that there is a wide opportunity to invest in this type of training. Below a table with illustrative programs on Mediation that were found on our search is presented. Anyway, the structure of the different Mediation programs was inspiring to the team and provided a basis for the Maritime Mediation academic professional program delineated to the MediMare Project.

Table 3 - Programs on Mediation

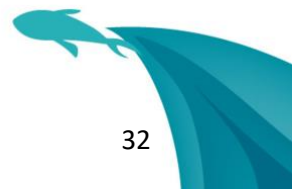
University / Institute:	Degree	Module	Curricular Units
Universidade Católica Portuguesa do Porto	Post-graduation in Negotiation, Mediation, and Conflict Resolution	Bootcamp/ online (1 module – 40h);	Conflict Mediation
		Presential: (160h) Module I - Mediation and Law.	<ul style="list-style-type: none"> - Legal topics: Brasil (I), Angola (II), Other Lusophone countries (III); - Ethics in Mediation. - The Lawyer and Mediation.
		Module II - Mediation procedures and mediator’s abilities.	<ul style="list-style-type: none"> - Mediator’s essential abilities. - Risk theory and negotiation. - Mediation procedure. - Intercultural mediation. - Online dispute resolution (ODR). - Initiation to the neuropsychology of mediation.
		Module III - Negotiation.	<ul style="list-style-type: none"> - Mediation in Consumption. - Mediation fields: - Sustainable and environmental mediation
			<ul style="list-style-type: none"> - Alternative Means of Conflicts Resolution. - Introduction to Conflict Theory.



<p>CBSE – Coimbra Business School</p>	<p>Post-graduation in Conflict Mediation</p>	<p>Presential (194h)</p>	<ul style="list-style-type: none"> - Communication in Interpersonal Relations. - Introduction to Negotiation. - Material Competences of Courts of Peace. - Courts of Peace procedures. - The Mediator: Ethical and Deontological Principles of the Mediation Exercise. <ul style="list-style-type: none"> - Emotion Management in Mediation. - Meditation Procedure. - Mediation Practice.
<p>IMAP – Instituto de Mediação e Arbitragem em Portugal</p>	<p>Mediation Course in the scope of the Courts of Peace</p> <p>75h Zoom + 20h outside activities</p> <p>55h presential</p>	<p>Module I – Sociological Aspects.</p>	<ul style="list-style-type: none"> - Sociological aspects of people who are involved in conflicts
		<p>Module II: Adequate Means of Dispute Resolution</p>	<ol style="list-style-type: none"> 1. Judicial System. 2. Courts of Peace. 3. Adequate Means of Dispute Resolution: <ol style="list-style-type: none"> a) The arbitration. b) Cooperative negotiation. c) Conciliation. d) Mediation. e) Legal Multiport. f) Mixed.
		<p>Module III - Communication</p>	<p>The goal is to develop the main aspects that make up human communication, its nature, and difficulties, in order to lay the foundations for the facilitator function of mediators and to make it possible to become aware of the main difficulties</p>

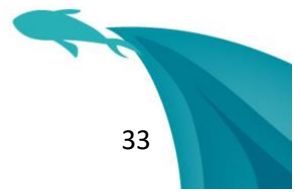


		Module IV – Cooperative Negotiation	<ol style="list-style-type: none">1. Distinguish positions and interests.2. Separate people’s problems.3. The importance of values and goals.4. Option making
		Module V – Introduction to mediation	<ol style="list-style-type: none">1. What is mediation?<ol style="list-style-type: none">1.1 Origin and foundations (international and national)1.2 Typology of mediation1.3 Spirit and philosophy of mediation1.4. The three main schools of mediation:<ol style="list-style-type: none">1.4.1. Harvard School1.4.2 The Circular-Narrative Model1.4.3. the Transformational School2. Advantages of mediation<ol style="list-style-type: none">2.1. principles and characteristics2.2. The place of mediation in society: reconstruction of social bonds3. Limits to mediation<ol style="list-style-type: none">3.1. The Ethics in Mediation3.2. The European Code of ConductThe European Norms about Mediation3.4. Overview of Mediation in Portuga
		Module VI – The Mediator: to be and to know	<ol style="list-style-type: none">1. Mediator Profile: Characteristics and attitude;2. Functions and role of the mediator



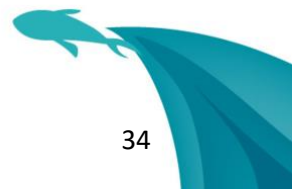


		<p>Module VII – Dynamics of mediation, adapted to the Courts of Peace</p>	<p>1. stages of the mediation process</p> <p>A - Investigation</p> <p>1.1 - Opening</p> <p>1.2 - Active listening</p> <p>1.3 Investigation of Interests</p> <p>1.4 Summarizing, Positive Reformulation, Metaphors</p> <p>1.5. The Importance of Emotions in Mediation</p> <p>B - Administration</p> <p>1.6 The Agenda</p> <p>1.7 The Creation of Options</p> <p>1.8. Evaluation and choice of solutions</p> <p>1.9 Formalizing the agreement.</p> <p>Pre-Mediation</p>
		<p>Module VIII – Mediation at the Courts of Peace</p>	<p>The goal is to provide information about the specificity of mediation services in the Courts of Peace</p>
		<p>Module IX – Fields of Mediation application</p>	<p>1.1 Family mediation</p> <p>1.2 Commercial mediation</p> <p>1.3. organizational mediation</p> <p>1.4 Mediation in criminal matters</p> <p>1.5 Community mediation</p> <p>1.6. Mediation in schools</p> <p>1.7.</p> <p>1.7. labor mediation</p>
			<p>Module I: Introduction to mediation.</p> <p>Module II: Communication Techniques.</p> <p>Module III: The nature of conflicts.</p> <p>Module IV: Pre-mediation.</p> <p>Module V: Setting an agenda.</p>





<p style="text-align: center;">International Mediation Campus / International School of Management – University of Applied Sciences</p>	<p style="text-align: center;">International Mediation Training</p>	<p style="text-align: center;">Live Online Training for a period of 1 week or 12 weeks (40h)</p>	<p>Module VI: Introduction to exploring interests.</p> <p>Module VII: Exploring interests.</p> <p>Module VIII: Practice Session (1-3 mediation phases).</p> <p>Module IX: Options and Solutions.</p> <p>Module X: Negotiation in mediation. Practice Session (1-5 mediation phases).</p> <p>Module XI: The power of questions.</p> <p>Module XII: Workplace mediation. Practice Session (1-5 mediation phases)</p> <p>Module XIII: Emotions in Mediation.</p> <p>Module XIV: Building consensus and dialogue.</p> <p>Module XV: International Case Study.</p>
			<p>Day 1: Mediation Theory; Negotiation; Active Listening and questioning skills; Confidentiality; Mediation skills and process; Demonstration opening and First role play.</p> <p>Day 2: Non-Verbal Communication; The agreement to mediate; Threats to process; Unrepresented people; Consolidation of learning through role-play.</p>





<p>London School of Mediation (LSM)</p>	<p>London Accredited Mediation Course</p>	<p>Presential 5 days (40h)</p>	<p>Day 3: Mediation ethics; Consolidation of learning through role play; Examination is issued at the end of the day.</p>
			<p>Day 4: Examination hand-in; Final non-assessed role plays; Assessment briefing; Independent assessments.</p>
			<p>Day 5: Independent assessments; Next steps; Individual debriefs.</p>

3. Interview report

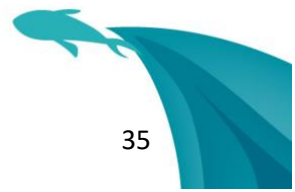
Roberta Donato, Dulce Lopes, with inputs from Cátia Marques Cebola, Ana Paula Alves, Lia Vasconcelos, Filipa Ferreira, Francisco Libreiro, Matilde Almodovar, Kristine Størkersen, Jon Ivar Håvold


Coordination: UCoimbra & NTNU-SR

The MediMare project aims to research on the perception of the importance of mediation for a consensus-oriented conflict management in maritime disputes, and, with this input, produce several outcomes.

To be able to develop the perception of the importance of mediation for solving maritime disputes, several interviews were conducted between the months of October and November of 2022 in Norway and in Portugal. In this report, we briefly describe the findings of the interviews.

Nineteen interviews were conducted in Portugal and ten in Norway. The choice for the interviewees was made based on their area of expertise, for the Project Team to have a broad vision of several areas of work





related to maritime activities. There were lawyers, a shipowner, an insurance company director, a Port Counselor of the Board of Advisors, a Port Director of Business and Logistics, a Port Director of Equipment, Infrastructure and Environment, a Maritime Police Commander and Port Captain, the CEO of a Fishing Company, the Manager of an Environmental Agency, the CEO of an Aquaculture Company, the Member of Development Association of artisanal fishing (Xávega), a Fisheries Researcher, Fisheries production director, a Maritime Administration, Maritime And Natural Resources Director, Historian and Researcher, an Administrative in a Fishery Association and the Head of Environmental affairs in a public administration. The Norway team interviewed governmental members, people that work with insurance, lawyers, academics and consultants, shipbrokers, and a maritime mediator.

In Portugal the interviews were conducted in three fronts. At the University of Coimbra Institute of Legal Research, they were conducted by Roberta Donato, accompanied by a colleague Project Member (either Fernando Borges or Ana Paula Alves) and under the supervision of Dulce Lopes. At the Polytechnic Institute of Leiria they were conducted by Ana Paula Alves with the participation of Cátia Marques Cebola and Roberta Donato. At NOVA University they were conducted by Lia Vasconcelos, Filipa Ferreira e Francisco Libreiro . In Norway, the interviews were conducted by Jon Ivar Håvold, from NTNU Social Research (with Minerva Consulting AS) and data was treated with the support of Kristine Kristine Størkersen.


Most interviews were conducted in Portuguese and Norwegian, native languages of the interviewees, except for one interview, which was held in English.

This report was compiled by Roberta Donato and Dulce Lopes, with the inputs of the reports made by Cátia Marques Cebola, Ana Paula Alves, Lia Vasconcelos, Filipa Ferreira, Francisco Libreiro, , Jon Ivar Håvold and Kristine Størkersen.

3.1 Interviewee's personal experience with mediation

Most of the interviewees in Portugal did not have any experience with mediation as a formal procedure. Some do, and mentioned experiences in different areas, such as labor mediation, mediation in the fisheries area, with fisherman or with fishing spaces and insurance mediation. Conflicts among fisherman regarding the size of the fishes and its prices, the fishing areas, and personal conflicts among fisherman in the harbor.

Also, one of the interviewees mentioned a very long insurance litigation that occurred and could have been solved if mediation was attempted. The litigation in court took over 20 years to finish, and during all this time, besides the conflict being in place, money (guarantee) remained deposited, so the economic losses were enormous.




There were few interviewees who did understand mediation as the best positive means of solving port conflicts, some because there are three types of conflict management within the ports, before reaching a mediation level, and one of them mentioned specially he understood any negotiation with State money could be an indication of corruption.

One of the Portuguese interviewees acts as a Conciliator in maritime conflicts, and he is a Port Captain and was going to conciliate / mediate a conflict between a Fish owner and a Navigating Agent, regarding the destruction of a fishing instrument.

In general terms, the attitudes of most of the interviewees regarding mediation are positive. They mentioned, in different terms, how negotiating saves time and money, and helps preserve relationships. Also, how litigation is more expensive. Two interviewees answered that it depends on the context to know whether mediation is positive or not – one of them did not show a great enthusiasm regarding mediation. For him, it depends on the concrete circumstances to be able to decide whether mediation might be useful. It depends on the relationship of the parties, the type of dispute, the history of the dispute, and a group of factors to know if mediation is adequate or not. One interviewee answered mediation is not an acceptable way of solving disputes, and here we introduce a *caveat* that the answer was giving considering a specific circumstance: of a mediation involving the public administration, having to pay any financial amount to a particular. In such case, the interviewee understood mediation is not a proper means of solving public disputes, which ought to be decided by a judge, to have more transparency and accountability with public spendings.

All the interviewees from Norway consider mediation as very acceptable or positive, and that is confirmed by the fact they seem to have more experience with mediation (8 in 10 answered to have had experience with mediation). Only one interviewee in Norway understood mediation could “weaken transparency, fairness, and legal protection, as opposed to the public court system”. All the other rendered positive comments, such as: mediation is less expensive than courts, and could support with more with maritime problems (less understood by the courts); mediation is highly needed to find a positive, quick, and cheaper solution, in opposition to a public legal system. They also mentioned it can be used by the insurance companies (same position as rendered in Portugal). And that mediation “is a very elegant, cheap and fast way to solve disputes”.

It is important to mention that most of the interviewees from Portugal do not have a basis or background in mediation. Some of them have experience or training in litigation and arbitration. The reality was different in Norway, where most of the interviewees had experience with mediation, and almost half had training in mediation.




We could also understand that some interviewees gave answers depending on their background and the area they are inserted in (as already mentioned). So, exemplifying it: an interviewee that works in a Port, reads all situations as being very regulated, from the Port's perspective, and thus tends to answer that mediation is not a good fit in such situations. We will make the respective *caveats* in the situations in which we have identified these strainers.

3.2 Interviewee's thoughts regarding the suitability for mediation

Regarding the types of disputes

Two types of questions were presented to the interviewees. First, they were asked to intuitively answer for which types of disputes mediation would make sense, and second, we presented a list of maritime disputes to the interviewees, from which they were supposed to grade from 1 to 5, where 1 is unsuitable and 5 is strongly suitable. The list included Salvage; Collision; Hull damage claims; Groundings; Charter Party Disputes (freight, hire, demurrage); Unseaworthy claims; Towing; Personal Injury; Marine insurance disputes; Cruise passenger (contractual, injury, death claims); Cargo (damage, construct of carriage, bills of lading, dangerous cargos); Ship building contract or repair disputes; Bunker disputes; Claims regarding the crew, passengers, stowaways and shore workers; Marine pollution; Work conditions at sea; Harassment claims; Safety issues; Fishing quotas; Use of the sea for recreational purposes; and Use of the sea for economic purposes (energy, for instance).

For this question, some of the "open" answers presented in Portugal were: When there is an accident between two boats, among ship owners. Also, when there is an accident in the ocean, not among boats, but regarding fishing acts. When, for example there is fog and a collision occurs; Disputes related to responsibility, to salvage, to pollution, to rights of fishing quotas, removal of shipwrecks, sinking ships, maritime cables; Disputes involving large amount of money and long procedures. Complicated procedures: In the port maritime area mediation is not convenient. In a conflict between fisherman and recreational ships, it would be convenient; An interviewee also understands there is no need for mediation when the parties already have some kind of agreement (when they could use directive negotiation), being more important when there is none; Another interviewee understands direct contact and proximity with the community are essential to solve disputes; In a perspective of a public administration, an interviewee understands disputes that do not involve public spendings may be mediated; Main disputes: Conflicts between fisherman, Recreational boating, Recreational and sporting activities; What is more appropriate and there are still some cases to be resolved is the Mediation of the waters of the Exclusive Zone of the different countries; Mediation is suitable for any



dispute or conflict. In all mediation in which an interviewee participated, it was always advantageous; Aquaculture always has great difficulties in communicating with fishing. It is very common to have some conflict with fishing in the use of spaces and with those who share access to water.

There was also the mentioning of: disputes regarding maritime spatial planning and all the new tensions/conflicts that this type of situation has legally created, between different people/promoters who want to use the same space and between sectors as well, are the type of disputes where mediation must be more suitable; disputes regarding the conflicts between ships and crewmembers are more crucial and suitable for the need for mediation; disputes regarding the use of the maritime space; conflicts between various forms of use of the sea, whether maritime or coastal (surfing communities vs. maritime legislature) or conflicts related to maritime power (such as South China Sea Dispute); Conflicts between fishermen and legislators; and conflicts between vacationers and fishermen and conflicts between surfing and fishing community.

The answers given in Norway are exemplified with collision; compensation after an accident; disputes on contracts and understanding of facts; disputes over a hull damage; seaworthiness; disputes where both parties are professionals (such as in shipping); bunker; demurrage; charter-party, insurance and employment disputes, salvage, hull, groundings, and shipbuilding; shipping agreements, construction risk, hull damage salvage; “a little more problematic can be product defects, bunker disputes, and areas where the balance of power between the parties is uneven, as can be the case in personal injuries”; All disputes may be solved by mediation, but the ones with many parties are the most difficult to solve; if the parties have an unbalance of power, that may be problematic.

Regarding the graded questions, the numbers varied widely. There was no pattern followed. Except that few interviewees decided not to answer the second part of the questions either for not having enough knowledge on it, either for understanding it is hard to answer to these questions in an abstract manner. Also, depending on the area the interviewee works with, their grading would differ substantially. For example: the professional that works with public international law graded poorly all the private disputes. Some interviewees graded the disputes low since they understand they are very regulated and there is no room for mediation.

Table 4: Suitability of Mediation – Interviewees from UCLeR and Leiria

SUITABILITY OF MEDIATION 2												
Salvage	1		5	3	1	5	3	5	5	4	5	4
Collision	1		5	3	1	1 ou 5	2	5	2 ou 3	4	5	4
Hull damage claims	1		4	2	1	4	3	5	3	2	5	4
Groundings	3		4	2	1	1 ou 5	3	5	3	2	5	4
Charter Party Disputes (freight, hire, demurrage)			4	3	1	4	3	3	5	5	1	4
Unseaworthy claims	1		5	3	1	4	4	5	3	3	4	4
Towing	1		3	3	1	4	4	5	5	3	5	4
Personal Injury	1		4	1	1	4	1	4	5	4	5	4
Marine insurance disputes			4	2	1	4	3	3	5	4	5	4
Cruise passenger (contractual, injury, death claims)			5	2	1	4	4	3	3	1	5	4
Cargo (damage, construct of carriage, bills of lading, dangerous cargos)			1	1	1	4	3	4	3	3	5	4
Ship building contract or repair disputes			3	2	1	5	2a5	3	3	4	5	4
Bunker disputes			3	2	1	4	2	3	3	5	5	4
Claims regarding the crew, passengers, stowaways and shore workers			5	2	1	4	3/4/2/	4	5	4	5	4
Marine pollution			5	3	1	2	1	5	3	2	5	4
Work conditions at sea	3		5	3	1	4	2	4	5	3	1	4
Harassment claims			5	3	1	5	3	5	5	3	5	5
Safety issues			4	2	1	3	3	5	5	4	5	4
Fishing quotas			5	2	1	1	3	3	5	1	1	5
Use of the sea for recreational purposes			4	2	4	4	4	4	3	3	5	3
Use of the sea for economic purposes (energy, for instance)			5	3	1	4	4	4	3	3	5	4

Table 5: Suitability of Mediation – Interviewees from NOVA

SUITABILITY OF MEDIATION 2								
Salvage	2	NA	4	4	5	1	2	
Collision	3	NA	5	4	5	2	1	
Hull damage claims	?	NA	?	5	5	4	3	
Groundings	?	NA	?	5	5	2	2	
Charter Party Disputes (freight, hire, demurrage)	?	NA	2	5	5	5	?	
Unseaworthy claims	?	NA	?	3	5	3	3	
Towing	?	NA	4	?	5	1	3	
Personal Injury	?	NA	?	5	3	1	4	
Marine insurance disputes	4	NA	4	5	5	5	3	
Cruise passenger (contractual, injury, death claims)	?	NA	?	5	5	4	4	
Cargo (damage, construct of carriage, bills of lading, dangerous cargos)	?	NA	4	3	5	4	3	
Ship building contract or repair disputes	?	NA	4	2	5	3	?	
Bunker disputes	?	NA	?	1	?	2	?	
Claims regarding the crew, passengers, stowaways and shore workers	1	NA	4	4	3	5	4	
Marine pollution	3	NA	5	5	5	5	2	
Work conditions at sea	4	NA	4	3	3	5	3	
Harassment claims	?	NA	5	5	1	5	3	
Safety issues	?	NA	3	2	1	4	2	
Fishing quotas	4	NA	4	1	3	3	3	
Use of the sea for recreational purposes	5	NA	4	4	5	5	4	
Use of the sea for economic purposes (energy, for instance)	4	NA	?	5	3	5	4	

Table 6: Suitability of Mediation – Interviewees from NTNU-SR

SUITABILITY OF MEDIATION 2										
Salvage	5	Mediation	Especially	4 to 5	Think	Shipbrokers	Sign of	2 to 5	5	4 to 5
Collision	5	is a very	suitable in	4 to 5	most	already solve	weakness	2 to 5	5	4 to 5
Hull damage claims	5	good idea	situations	4 to 5	disputes	issues at the	not wanting	2 to 5	5	4 to 5
Groundings	5	especially	where	5	can be	lowest level	mediation.	2 to 5	5	4 to 5
Charter Party Disputes (freight, hire, demurrage)	5	on	it is important	3 to 4	solved by ADR	He had only	A lot of mediation	2 to 5	5	4 to 5
Unseaworthy claims	1 to 5	contracts	to keep	4 to 5		one case that	possibilities	2 to 5	n.a.	4 to 5
Towing	5	and	the	4 to 5	Without	went t court	in maritime	2 to 5	5	4 to 5
Personal Injury	2 to 5	in	relationship	4 to 5	insurance	He think	disputes.	2 to 5	5	4 to 5
Marine insurance disputes	5	situations	between	4 to 5	we could	that most cases	Many can be	2 to 5	5	4 to 5
Cruise passenger (contractual, injury, death claims)	2 to 5	not	the parties	n.a.	not afford a litigation	can be solved with ADR	solved using	2 to 5	n.a.	4 to 5
Cargo (damage, construct of carriage, bills of lading, dangerous cargos)	5	covered	(n.a, on the specifics)	5			mediation	2 to 5	5	4 to 5
Ship building contract or repair disputes	3 to 5	by		4 to 5	3 to 5			2 to 5	4 to 5	4 to 5
Bunker disputes	2 to 5	law		5				2 to 5	2 to 5	4 to 5
Claims regarding the crew, passengers, stowaways and shore workers	3 to 5	(n.a on the specifics)		1 to 5 (well regulated)				2 to 5	5	4 to 5
Marine pollution	1 to 2			1 to 2				n.a.	5	1 to 5
Work conditions at sea	3 to 5			5				4 to 5	5	4 to 5
Harassment claims	3 to 5			3 to 5				4 to 5	5	4 to 5
Safety issues	2 to 4			2 to 5				n.a.	n.a.	4 to 5
Fishing quotas	n.a.			n.a.				n.a.	5	4 to 5
Use of the sea for recreational purposes	n.a.			n.a.				n,a	n.a.	4 to 5
Use of the sea for economic purposes (energy, for instance)	n.a.			n.a.				n.a.	n.a.	4 to 5

Regarding the characteristics of the disputes

In this question, the parties were asked to answer on a scale from 1 to 5, where 1 is unsuitable and 5 is strongly suitable, in which situations mediation could make sense. The list presented was the following:

- Parties have a history of cooperation and successful joint problem-solving.
- The number of parties to a dispute is limited. How many parties maximum?
- Issues are not overwhelming in number, and the parties have been able to agree on some issues.
- The hostility among the parties is moderate.
- The parties desire for settlement is high.
- There is an external pressure to settle (time, money, or unpredictable issues?)
- There is an existing or a possibility of an ongoing relationship among the parties.
- The alternative to mediate is unsatisfactory (e.g., a quick solution is needed, ...)

In this question, most interviewees understood all these characteristics are very positive. There were few exceptions of answers that were graded unsuitable. In such cases, there was a specific understanding in case of the interviewee, for example: for question number 1 “Parties have a history of cooperation and successful joint problem-solving” and “The parties desire for settlement is high”, the people who answered unsuitable understood that since the parties had already a history of cooperation, mediation was not needed. They could solve the issue in an even easier means other than mediation, such as a direct negotiation.



For question “The number of parties to a dispute is limited”, interviewees had a different understanding. Some understood it was better to use mediation when a conflict with more complexity and some understood when there was more complexity, parties should move to arbitration.

The same with “there is an external pressure to settle” and “the alternative to mediate is unsatisfactory”. Some understood that since a quick solution was needed, that was motivation to mediate and solve the conflict faster. Some understood that if something was pressuring the parties to mediate, that was not a good option. The interest in having a solution must be mutual and the parties must be interested in solving the conflict – any external pressure would “ruin” the mediation.

Regarding the hostility among the parties, for the interviewee who gave a low grade, there should not have hostility among the parties for a mediation to happen.

Table 7: Suitability of Mediation 2 – Interviewees from UCLeR and Leiria

SUITABILITY OF MEDIATION 3												
Parties have a history of cooperation and successful joint problem-solving.	5	1	1	5	4	4	1	5	5	5	2	4
The number of parties to a dispute is limited. How many parties maximum?		3	3	5	4	1	3	5	3	4	3	4
Issues are not overwhelming in number, and the parties have been able to agree on some issues		2	3	5	4	4	4	4	3	3	3	4
The hostility among the parties is moderate	5	4 ou 5	4	5	1	2	4	4	5	3	3	4
The parties desire for settlement is high		4	3	5	4	1	4	5	5	5	2	5
There is an external pressure to settle (time, money, or unpredictable issues?)		3	5	4	1	4	4	5	5	2	3	3
There is an existing or a possibility of an ongoing relationship among the parties.		2	3	4	4	1	4	5	5	4	3	5
The alternative to mediate is unsatisfactory (eg. a quick solution is needed, ...)		5	3	4	1	2	3 ou 4	4	3	2	4	5

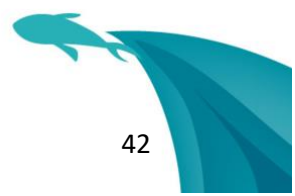


Table 8: Suitability of Mediation 2 – Interviewees from NOVA

SUITABILITY OF MEDIATION 3								
Parties have a history of cooperation and successful joint problem-solving.	0 = it depends	NA	4	1	5	1	5	
The number of parties to a dispute is limited. How many parties maximum?	0	NA	4 maximum	two maximum	three maximum	three maximum	five maximum	
Issues are not overwhelming in number, and the parties have been able to agree on some issues	0	NA	4	5	4	4	4	
The hostility among the parties is moderate	0	NA	4	4	3	4	4	
The parties desire for settlement is high	0	NA	5	5	5	4	5	
There is an external pressure to settle (time, money, or unpredictable issues?)	0	NA	4	5	3	5	3	
There is an existing or a possibility of an ongoing relationship among the parties.	0	NA	4	4	5	2	4	
The alternative to mediate is unsatisfactory (eg. a quick solution is needed, ...)	0	NA	4	5	3	3	5	

Table 9: Suitability of Mediation 2– Interviewees from NTNU-SR

SUITABILITY OF MEDIATION 3										
Parties have a history of cooperation and successful joint problem-solving.	4 to 5	n.a.	5	5	5	5	5	4 to 5	5	5
The number of parties to a dispute is limited. How many parties maximum?	4	n.a.	n.a.	5	n.a.	5	5	4	4	5
Issues are not overwhelming in number, and the parties have been able to agree on some issues	4	n.a.	n.a.	4 to 5	n.a.	5	5	4	5	5
The hostility among the parties is moderate	5	n.a.	5	5	5	n.a.	n.a.	5	5	5
The parties desire for settlement is high	5	5	5	5	5	5	5	5	5	5
There is an external pressure to settle (time, money, or unpredictable issues?)	5	5		5	5	5	5	5	5	5
There is an existing or a possibility of an ongoing relationship among the parties.	5	5	5	5	5	5	5	5	5	5
The alternative to mediate is unsatisfactory (eg. a quick solution is needed, ...)	5	5	5	5	5	5	5	5	5	5



Regarding the necessary skills for a mediator

This questioning is two folded. The first question was an open question where the interviewee was solicited to list what skills he or she understood were required for a mediator to present for a maritime mediation to be effective.

The qualities freely listed by the interviewees were: to be respected by the parties, to have moral suitability, be friends with people and ‘an arbitrator’ (*sic*); to have technical knowledge and to know well all the tools available in mediation. To promote a dialogue and how to make the parties have constructive ideas to generate an agreement; empathy, to make the parties feel comfortable, knowledge over the subject matter under discussion, confidence of the parties, impartiality, capacity to build bridges and create solutions; impartiality, the need to be prepared, to be able to coordinate, to have the concept of the parties, to have expertise (both technical and in mediation), and availability; for an interviewee it is important for the mediator to have the ability to convince the parties that they will both win for them to reach an agreement, otherwise, it will never happen. He must help the parties feel committed to a certain goal, and that will depend on the confidence that the parties have among them and in the mediator; for one of the interviewees it is important for the mediator to have a relevant experience in public management to have an understanding of the public interest, as well as previous experience in conflict management; be a good listener, be very objective, to interpret well what is at stake and analyze well what the parties intend.

Also, it is important that the mediator knows the process well and the motivation of each party; identifies the advantages and disadvantages in the good or bad conclusion of the mediation and explains this to the parties; identifies the disadvantages of mediation failure, because sometimes to achieve success it is necessary to focus on failure. And in terms of personal characteristics, the mediator must be able to listen and identify the key points of the argument. The mediator needs to know deeply the fact that is under discussion and then have personal skills to carry out a mediation such as ability to dialogue in order to achieve the objectives of conflict resolution; The mediator has to know the problems; Hear the parties; Have common sense to negotiate; Have knowledge of the cause; and especially, to mediate he/she has to be an expert in the cause; The mediator has to know the matter well, technically; He or She has to be a calm person; Be impartial, he or she cannot have any interest or relationship with any of the parties and has to be emotionally distant from the concrete problem. It is fundamental that there are no emotions; Be a good listener and be impartial.

The interviewees from Norway listed: To listen and ask for information; To have reputation, neutrality, to show distance to both sides (recognizing in small countries you often know the parties on both sides, so keep a professional distance); See the big picture, see the advantages of a solution: i.e. being solution-oriented; Create trust: commercial understanding, professional expertise and competence and human understanding;



Have experience and had done a good job in previous mediations; Have the parties' confidence; Being objective; To use four criteria to know what is a good mediator: to be a good lawyer; to have a good commercial orientation to understand what the dispute is about and what is the room for maneuver for the company chiefs; be a good pedagogue and be able to communicate to the chiefs in the way they understand, and to convince them into getting into an agreement; Trust; Good reputation increases credibility for a mediator; Neutrality, fairness and negotiation skills.

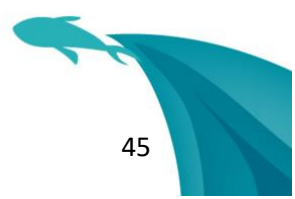
In the second part, the interviewees were asked to grade on a scale from 1 to 5, where 1 was unimportant and 5 is very important, how they understood the following skills to be ideal for a mediator:

- Neutrality, fairness
- Listening ability
- Clear and understandable communication
- Confidence building skills
- Goodwill and Empathy
- Assertively
- Negotiation skills
- Knowledge of the field
- Informing the parties during the process
- Observation capability during the process
- Settlement oriented
- Reconciliation oriented
- Emotional intelligence
- Patience
- Good summarizing and reframing skills
- Good «questioner»
- Credibility and reputation
- Capacity to promote a trustful environment

Most characteristics were seen as very positive by the interviewees. One of them even asked if it would be possible to have all these characteristics in one single person. There were some (little) low grades to few points, and we can explain the understanding of the interviewees to some of them.

Neutrality' was not seen as needed by one of them. The interviewee claimed neutrality might not be beneficial in some situations.

Reconciliation oriented' received a low grade since, in the interviewee's understanding, it is hard to promote a mediation if the parties are apart. He does not believe that when the parties have very diverging positions the conciliation model might work. And conciliation (mediation) has to happen between the parties, not through the mediator.





‘Emotional intelligence’ received a grade 1 from an interviewee that understood the mediator was not supposed to manifest any feelings. In his understanding, if the mediator expresses feelings, he is not fit for mediating. He should not demonstrate emotions. The mediator must be neutral and discrete.

‘To be a good questioner’ received also low grade and the explanation from the interviewee is that the mediator must be more passive, in his understanding. He must listen more than imposing a rule on what he intends. He should build as the parties’ approach. If he imposes a certain position, he is not a mediator.

Table 10: Mediator Skills – Interviewees from UCLeR and Leiria

MEDIATOR SKILLS												
Neutrality, fairness	POSITIVE	5	5	5	4	4	5	2	5	5	5	5
Listening ability	POSITIVE	4	5	5	4	5	5	5	5	4	3	5
Clear and understandable communication	POSITIVE	5	5	5	4	5	5	5	5	4	5	5
Confidence building skills	POSITIVE	5	5	5	4	5	5	5	5	4	3	5
Goodwill and Empathy	POSITIVE	3	5	5	4	3	5	5	5	3	2	5
Assertivity	POSITIVE	3	5	4	5	5	5	5	3	4	5	5
Negotiation skills	POSITIVE	5	5	4	4	4	5	5	5	5	5	5
Knowledge of the field	POSITIVE	5	5	4	4	5	5	4	5	5	5	5
Informing the parties during the process	POSITIVE	4	5	5	4	5	4	4	3	4	4	5
Observation capability during the process	POSITIVE	5	5	4	4	5	5	5	4	3	3	5
Settlement oriented	POSITIVE	3	5	4	4	4	5	5	4	4	4	5
Reconciliation oriented	POSITIVE	3	5	4	1	4	5	5	4	3	4	5
Emotional intelligence	POSITIVE	4	5	5	1	5	5	5	4	4	5	5
Patience	POSITIVE	5	5	5	4	5	5	5	5	4	3	5
Good summarising and refraining skills	POSITIVE	4	4	4	4	5	5	4	4	4	4	5
Good «questioner»	POSITIVE	2	5	4	1	5	4	4	4	3	3	5
Credibility and reputation	POSITIVE	5	4	5	4	5	5	5	4	5	2	5
Capacity to promote a trustful environment	POSITIVE	5	5	4	4	3	5	5	4	4	3	5

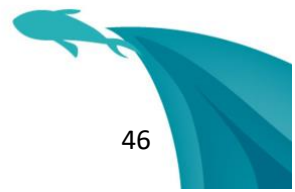




Table 11: Mediator Skills – Interviewees from NOVA

MEDIATOR SKILLS								
Neutrality, fairness	5	NA	5	5	5	5	5	5
Listening ability	5	NA	5	5	5	5	5	5
Clear and understandable communication	5	NA	5	5	5	5	5	5
Confidence building skills	5	NA	5	5	5	5	5	5
Goodwill and Empathy	4	NA	5		5	5	5	5
Assertivity	4	NA	5	5	5	5	5	5
Negotiation skills	5	NA	5	5	5	5	5	5
Knowledge of the field	5	NA	3	5	5	5	5	5
Informing the parties during the process	5	NA	4	5	5	5	5	5
Observation capability during the process	4	NA	5	5	5	5	5	5
Settlement oriented	4	NA	5	5	5	5	5	5
Reconciliation oriented	4	NA	4	5	5	5	5	5
Emotional intelligence	5	NA	5	5	5	5	5	5
Patience	4	NA	5	5	5	5	5	5
Good summarising and reframing skills	5	NA	5	5	5	5	5	5
Good «questioner»	4	NA	5	5	5	5	5	5
Credibility and reputation	4	NA	5	5	5	5	5	5
Capacity to promote a trustful environment	4	NA	5	5	5	5	5	5

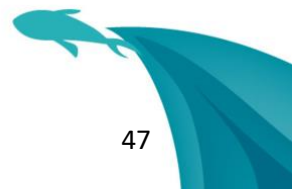
Table 12: Mediator Skills – Interviewees from NTNU-SR

SUITABILITY OF MEDIATION 3										
Parties have a history of cooperation and successful joint problem-solving.	4 to 5	n.a.	5	5	5	5	5	4 to 5	5	5
The number of parties to a dispute is limited. How many parties maximum?	4	n.a.	n.a.	5	n.a.	5	5	4	4	5
Issues are not overwhelming in number, and the parties have been able to agree on some issues	4	n.a.	n.a.	4 to 5	n.a.	5	5	4	5	5
The hostility among the parties is moderate	5	n.a.	5	5	5	n.a.	n.a.	5	5	5
The parties desire for settlement is high	5	5	5	5	5	5	5	5	5	5
There is an external pressure to settle (time, money, or unpredictable issues?)	5	5		5	5	5	5	5	5	5
There is an existing or a possibility of an ongoing relationship among the parties.	5	5	5	5	5	5	5	5	5	5
The alternative to mediate is unsatisfactory (eg. a quick solution is needed, ...)	5	5	5	5	5	5	5	5	5	5

Preparation for the mediation process

This point questioned the interviewees to rate, on a scale from 1 to 5, where 1 is unimportant and 5 is very important, how important they understood the mediator’s preparation was to:

- ... decide whether the conflict can be mediated or not (e.g., overwhelming power differences, history of violence between parties)



- ... decide whether the mediator himself is the “right person”
- ... set up a competent team of mediators (in case of complex conflicts)
- ... set up an adequate process design and strategy
- ... create an atmosphere of trust and mutual confidence
- ... understand the issues, "facts" of a case and the parties' positions
- ... be able to reconstruct and understand the conflict
- ... be able to cope with unexpected situations and/or difficult participants (high emotions, seaming deadlocks, blocking attitudes...)
- ...be able to help parties discover and define points of agreement and disagreement
- ... be able to support parties to create manyfold options for a possible agreement
- ... help parties to develop and elaborate an agreement (that is SMART: Specific, Measurable, Attainable, Realistic and Time-bound)

Most of the interviewees understood preparation was important in most of the cases.

One of the interviewees understood the questions asked regarding preparation were too subjective and did not want to grade them. In his understanding, some of the characteristics might be developed, but some might not, and are inherently present in some people. Technical preparation is important which does not mean it is enough. He does not understand training contributes to achieving the goals asked, but they are not enough.

For another interviewee the preparation process is important, but it is also important that whoever goes to the education in mediation already has some of these competencies. Whoever is selected to be a part of the education already has some of the listed competencies.

These are some of the questions that were graded as unimportant; organizing a team of competent mediators (since for complex cases the interviewee does not believe mediation is a good fit); being able to understand and reconstruct the conflict (in his understanding that is not a power mediator has. He has the power to bring them close together or construct a solution without the parties); being able to deal with unexpected situations and/or difficult participants (that is not to mediate for him); and being able to help the parties to find out and defining agreement and disagreement points (for him that does not depend on the parties).

For one of the interviewees, it is important to have specialized training since there is a tendency for mediation to increase. Also, there must be amplitude regarding the specialized training for mediators, in the functions of conflicts.

Table 13: Preparation – Interviewees from UCLeR and Leiria

PREPARATION												
... decide whether the conflict can be mediated or not (e.g. overwhelming power differences, history of violence between parties)			4	4	5	5	5	4	4	5	5	5
... decide whether the mediator himself is the "right person"			5	3	4	5	4	4	4	4	5	5
... set up a competent team of mediators (in case of complex conflicts)			4	3	1	5	4	5	5	4	5	5
... set up an adequate process design and strategy			5	4	4	5	5	5	5	4	3	5
... create an atmosphere of trust and mutual confidence			5	4	4	3	5	5	5	3	4	5
... understand the issues, "facts" of a case and the parties' positions			4	5	4	5	5	5	4	5	4	5
... be able to reconstruct and understand the conflict			4	4	1	5	4	5	5	4	5	5
... be able to cope with unexpected situations and/or difficult participants (high emotions, seaming deadlocks, blocking attitudes...)			5	4	1	5	5	5	4	4	5	5
...be able to help parties discover and define points of agreement and disagreement			5	5	4	5	5	5	5	4	4	5
... be able to support parties to create manifold options for a possible agreement			4	4	1	4	5	5	4	3	4	5
... help parties to develop and elaborate an agreement (that is SMART: Specific, Measurable, Attainable, Realistic and Time-bound)			5	4	4	4	5	5	4	5	3	5

Table 14: Preparation – Interviewees from NOVA

PREPARATION							
... decide whether the conflict can be mediated or not (e.g. overwhelming power differences, history of violence between parties)	5	NA	5	5	5	5	5
... decide whether the mediator himself is the "right person"	5	NA	5	5	5	5	5
... set up a competent team of mediators (in case of complex conflicts)	5	NA	5	5	5	5	5
... set up an adequate process design and strategy	5	NA	5	5	5	5	5
... create an atmosphere of trust and mutual confidence	5	NA	5	5	5	5	5
... understand the issues, "facts" of a case and the parties' positions	5	NA	5	5	5	5	5
... be able to reconstruct and understand the conflict	5	NA	5	5	5	5	5
... be able to cope with unexpected situations and/or difficult participants (high emotions, seaming deadlocks, blocking attitudes...)	5	NA	5	5	5	5	5
...be able to help parties discover and define points of agreement and disagreement	5	NA	5	5	5	5	5
... be able to support parties to create manifold options for a possible agreement	5	NA	5	5	5	5	5
... help parties to develop and elaborate an agreement (that is SMART: Specific, Measurable, Attainable, Realistic and Time-bound)	5	NA	5	5	5	5	5

Table 15: Preparation – Interviewees from NTNU-SR


PREPARATION										
... decide whether the conflict can be mediated or not (e.g. overwhelming power differences, history of violence between parties)	3 to 5	n.a.	n.a.	3 to 5	3 to 5	n.a.	5	4	5	4
... decide whether the mediator himself is the "right person"	3 to 5	n.a.	n.a.	5	5	n.a.	5	4	5	5
... set up a competent team of mediators (in case of complex conflicts)	4 to 5	n.a.	n.a.	4 to 5	n.a.	n.a.	5	4 to 5	5	4
... set up an adequate process design and strategy	4 to 5	n.a.	n.a.	4 to 5	n.a.	n.a.	5	n.a.	5	4
... create an atmosphere of trust and mutual confidence	5	5	5	5	5	5	5	n.a.	5	5
... understand the issues, "facts" of a case and the parties' positions	5	n.a.	n.a.	5	n.a.	5	5	5	5	5
... be able to reconstruct and understand the conflict	5	n.a.	n.a.	5	n.a.	5	5	5	5	5
... be able to cope with unexpected situations and/or difficult participants (high emotions, seaming deadlocks, blocking attitudes...)	5	n.a.	n.a.	5	5	5	5	5	5	5
...be able to help parties discover and define points of agreement and disagreement	5	5	n.a.	5	n.a.	5	5	n.a.	5	5
... be able to support parties to create manifold options for a possible agreement	5	5	n.a.	5	n.a.	n.a.	5	n.a.	5	5
... help parties to develop and elaborate an agreement (that is SMART: Specific, Measurable, Attainable, Realistic and Time-bound)	5	n.a.	n.a.	5	n.a.	n.a.	5	n.a.	5	5

3.3 Education for maritime mediators

This question was whether the interviewee understands developing and offering an education for maritime mediators is a good idea. In case the interviewee answers affirmatively, the questions addressed were: to whom these courses should be directed to; who should promote these trainings: what about a certificate and accreditation (where?); and would you consider undergoing a training/ establish training in your organization/enterprise.

All the interviewees in Portugal understood it is important to have a training for mediation. They have different explanations in their answers.

One interviewee understands the development of an education is advisable, but education is not enough to make peace of the parties. Another understands education is important and cannot precise who is the target of the course. He understands the course must have two strands: one theorist of mediation and another related to the type of subject to be mediated. There is also the understanding that education in maritime mediation to be very important, and that it should be directed to students in the legal area, since several of the matters dealt with in the maritime law are connected to legislation, treaties, among others. The academia is the one to promote such courses. Certification is convenient to provide guarantee to the people that use the services. There is the understanding that developing and offering an education for maritime mediators is a good idea. Education should be directed to people working in the public sector, private sector and should be



included in the *curriculum* of law faculty. Also, law schools should be promoting it, and there should be certification and accreditation with the course.

Maritime business is very specific. Whoever wants to work in the area must have the specific education as well as knowing the maritime business. The education should be directed also to professionals of the sector or others, which might have a direct connection with it. Also, there is the understanding that an education is important for jurists interested in the maritime and port area. One interviewee sees education as important for maritime mediation, and competences may be trained. Not only an initial competence, but also recycling courses, continuous formation, and roll plays. He understands education should be directed to functions that are hierarchically high or medium high level.

One of the interviewees considers training in maritime mediation is a good idea, and would consider doing the training in her company, so that she and her team could acquire skills for a better conflict management and to mediate conflicts. Another interviewee considers that training in mediation in the environmental area is very important and believes that this training should be promoted by the Universities and directed to students in the Solicitor's courses that have specific subjects in this area. He also emphasizes that it is very important that these trainings have certificates and accreditations through a professional association.

One interviewee considers that specialized training is suitable and required for new mediators because there is a tendency for conflicts to increase. If conflicts can be resolved before they reach the courts, the better. All this needs an institutional base (it is not enough to train mediators). A mechanism with binding consequences on the territory and resources of the sea is needed. In his opinion, there must be amplitude regarding the specialized training for mediators, in the function of the conflicts. Another interviewee argues that specialized training is suitable and required for new mediators and this training must be directed to the people included in the governmental area, in the representative organizations of the sector - fishermen's association, maritime administration – and the interviewee also considers that this type of mediation training must be promoted by the maritime administration.

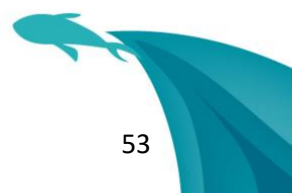
One interviewee argues that specialized training is suitable, and it is a really good idea to apply. The interviewee considers that this type of mediation training must be directed towards people who have an academic degree in law of the sea and international relations and towards people who have specific training in mediation. Also, the interviewee argues that this type of specialized mediation training must be promoted by national marine resources and fisheries directorates and by the academy – especially colleges and universities that can provide academic degrees in international relations and the law of the sea. Another interviewee considers that specialized mediation training is suitable, and it is a good and important idea because more and more conflicts are related to maritime/littoral problems. It is a quicker and simpler way of solving cases, through a more direct mediation. The interviewee argues that this type of specialized mediation



training should be directed to authorities that operate in these areas (maritime police, city councils, state authorities) and to communities that depend on the sea for their survival. This type of training should be administered by education entities that are able to offer academic degrees related to the law of the sea and to entities that can offer training and academic degrees regarding the use of the maritime territory.

One interviewee argues that specialized mediation training is suitable and a good and important idea because there is a lack of knowledge of people with a very comprehensive view of the use of the sea. There are people who know a lot about fishing or the use of the law, but there are not many people who have a comprehensive knowledge of all areas of the sea. The interviewee considers that this type of specialized mediation training should be directed to psychologists and those who should provide this type of training should be people connected with fishing, merchant marine, legislation, and people connected with all the valences of the sea. Another interviewee argues that specialized mediation training is suitable because we (as humans) lack knowledge regarding the sea. The interviewee considers that this type of specialized mediation training should be directed to lawyers and facilitators who intend to have a degree in this area of knowledge and those who provide this type of training should be people or entities who are in the position to offer a certificate graduation in the law of the sea.

In Norway the understanding from one the interviewees are that lawyers would not take a course on mediation. But it would be a good education for people with maritime background who wants to become maritime mediator. For another interviewee it is important for lawyers and technical professionals relevant for shipping. Also, for the people who take the decisions and who handle the disputes. At the legal or at the level of the executive officers and advisors of the shipping companies or the insurance companies. Another interviewee pointed that it is important to have mediators with different backgrounds, to have people who understand from technical point of views. Also, for management positions or for union representatives it might be essential, as well. And a mix of theory and practical training.





4. Online Course on MediMARE: mediation in maritime affairs

Sílvia Nolan, João Costa e Silva, Distance Learning Unit, University of Coimbra

Coordination: UCoimbra & IPLeiria

In recent years, online education has increasingly been considered by higher education institutions as an alternative to attract students and trainees that for professional or personal reasons need geographic and schedule flexibility, but still aim for high-quality education or training. This is even more so since the COVID pandemic, where work and educational paradigms have changed, and space and time have taken on a whole new meaning.

The access to and use of technology and connectivity in all dimensions of life - personal, work, or education-related – has widespread and Higher Education Institutions have developed distance learning strategies and created opportunities to develop innovative learning environments that support the teaching and learning process without the need for a physical presence.

The Distance Learning Unit of the University of Coimbra (UC_D) was created in 2010 by rector's decision and it was strongly influenced by the University of Coimbra's (UC) wide experience in information and communication technologies (ICT) applied to educational contexts. That experience, the scientific knowledge of UC's professors and researchers and the support of a distance learning team with expertise in instructional design and training, enabled the development of a comprehensive training offer that includes courses from all 8 Faculties of the University. In time, it also led to UC_D's participation in national and international projects where it contributes to train trainers for online and blended learning environments or it develops online courses, such as the *MediMARE: mediation in maritime affairs* online course.

The MediMARE: mediation in maritime affairs course is an output of the project with the same name, which aims to develop research and knowledge on maritime uses and disputes through this partnering of 4 institutions with expertise in this field, three of which are Portuguese and a fourth which is Norwegian.

The course “aims to be an introductory course to mediation in maritime disputes, exploring both mediation as a dispute resolution tool in theory and practice and the issue of maritime conflicts in their wide variety of forms. The objective is to make apparent that mediation and maritime disputes have close links, and that mediation may as well be, in many private and mixed nature disputes, the most appropriate means to induce pacification at Sea”.

The context of this course and the framework developed for it within the scope of the project required a solution to bring together in a common learning environment students and teachers. The fact that they were

in different locations, along with the need to have a self-paced course required geographic and time flexibility, so it was clear that a distance learning course would be the most suitable way of delivering the MediMARE course. The course requires 25 hours of students' work, and includes 4 modules, all fully delivered online and asynchronously, over a period of approximately 2 months. The learning management system (LMS) used was Moodle¹.

4.1 MediMARE course design and development

The design and development of an online course rely on the scientific knowledge of academics, who are specialists in the scientific field, but it also depends greatly on the instructional design. The distance learning courses developed by UC_D are developed in a joint and coordinated effort between the teachers and UC_D, combining their scientific and distance learning expertise. UC_D's instructional design methodology continuously assesses each stage, evaluating if the pedagogical strategies and resources used in each course are aligned and whether they enable students to achieve the course's learning objectives.

The MediMARE online course design and development were dynamic and collaborative, following UC_D's instructional design methodology, where the academic team and the instructional design team work closely and in permanent and continuous interaction.

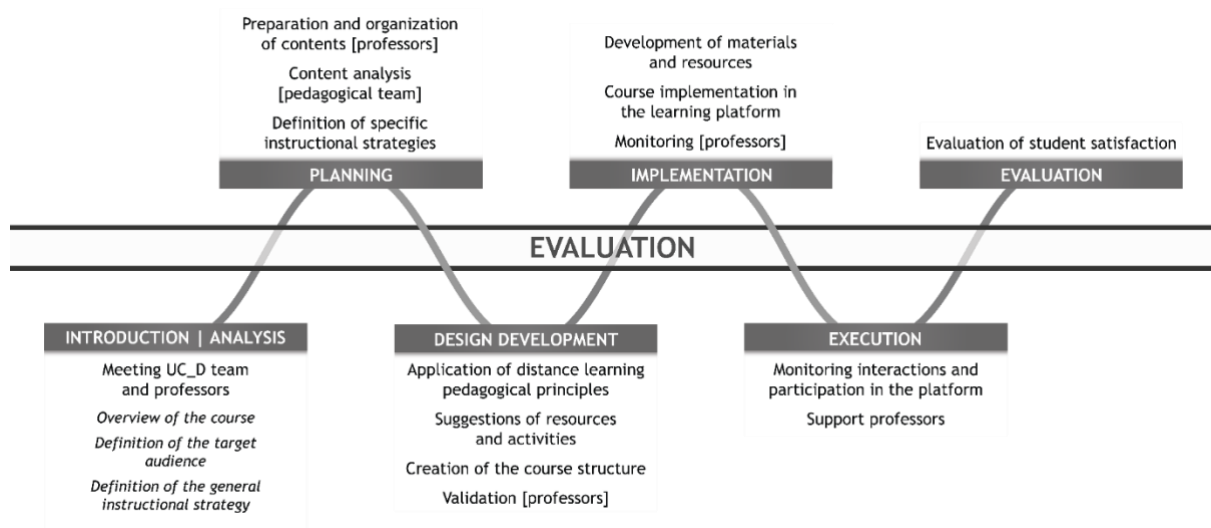


Figure 12: UC_D's Instructional Design Process

Source: Pedrosa & Neto (2011)

¹ Modular Object-Oriented Dynamic Learning Environment



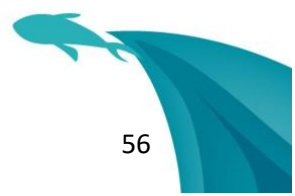
The process began with the definition of the course structure. After analysing the course syllabus and the learning outcomes, it was established that the content script would include content in text, video, images, and diagrams. In addition, and to enhance students' learning, there would be formative and summative activities. The instructional design team provided some guidelines and documents to support the development of the course:

- **Video Production Guidelines** give content authors guidelines for independent video production. They also give production teams guidelines on video requirements.
- **Content Script** enables us to collate all contents for the module. At the end, we should have the narrative of the module organised as it will be implemented in the learning platform.
- **Activity Script** enables us to collate the pedagogical information to provide to students, but also gives us the guideline to technically implement so we can set the activity on the learning platform.

A development action plan was established, and the following guidelines were considered:

- the academic responsible for each module was designated.
- the modules' scientific contents were to be delivered throughout the development timeline, so implementation would be carried out continuously.
- when the instructional design team completed the proposal for implementation of each module, the academic team would validate it on the learning platform.
- the instructional design team would implement the corrections and improvements ongoingly, as feedback was given.
- a final validation would be done by the academic team.

The pedagogical team, responsible for the development of the instructional design, presented a course structure which was implemented on the learning platform, and which was aligned with the main goals of the course, with the type of content developed, and with the interaction and communication strategies established.



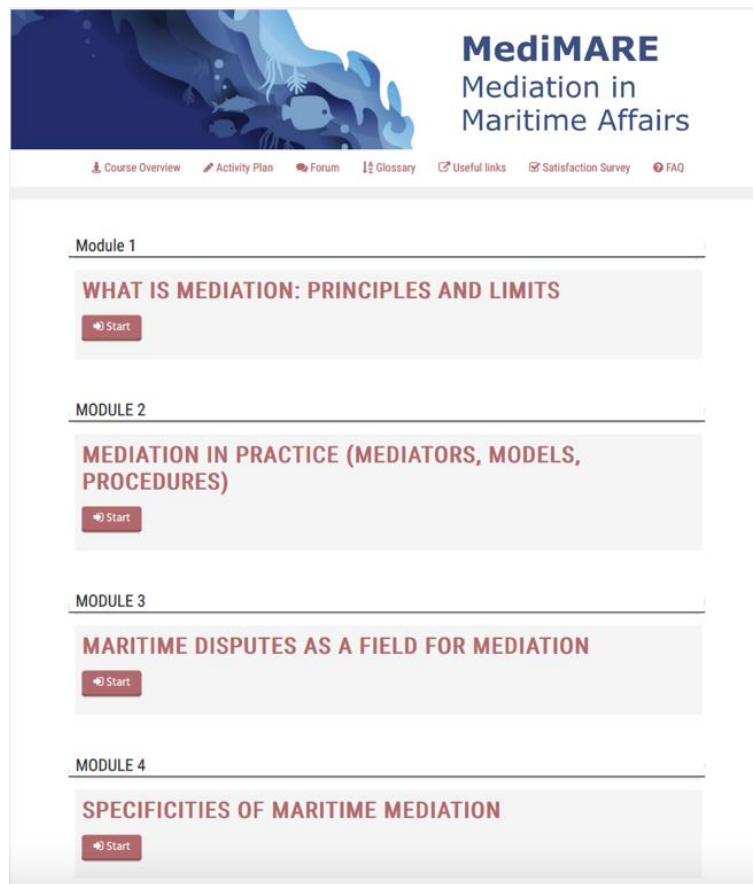


Figure 13: MediMARE course structure implemented on Moodle

The course structure provides a general area in the entry page that includes the following sections:

- **Course overview:** presents the framework of the course with a summary, the learning outcomes, the syllabus, the methodology and the instructors.
- **Activity Plan:** where students may check, at any given time, the activities planned, their type and evaluation (formative or summative). This is an important tool for students to plan their work and self-regulate their learning process.



Activity Plan

Module 1 | What is mediation: principles and limits

Activity	Typology	Evaluation	Assessment
Final Activity	Quiz (5 questions)	Summative	5/20

Module 2 | Mediation in Practice

Activity	Typology	Evaluation	Assessment
Final Activity	Quiz (5 questions)	Summative	5/20

Module 3 | Maritime disputes as a field for mediation

Activity	Typology	Evaluation	Assessment
Final Activity	Quiz (5 questions)	Summative	5/20

Module 4 | Specificities of Maritime Mediation

Activity	Typology	Evaluation	Assessment
Final Activity	Quiz (5 questions)	Summative	5/20

Figure 14: Activity Plan

- **Forum:** where students can communicate and interact with instructors and other students. Scientific, pedagogical, or technical issues may be addressed.
- **Glossary:** this resource includes the main concepts on the course theme and aims to be a tool that helps students to better understand concepts included in the contents.
- **Useful links:** where resources considered useful within the course theme are gathered.
- **Satisfaction Questionnaire:** it aims to obtain student feedback on satisfaction, and it provides important input for pedagogical and technical improvements for future editions.
- **FAQ:** it provides technical tutorials to help participants navigate the learning platform.

When we enter the course, the main area of the page presents a menu with the 4 modules. These are sequential and are always available, providing a self-paced approach, even though there is a timeline for the course that sets its beginning and end date.

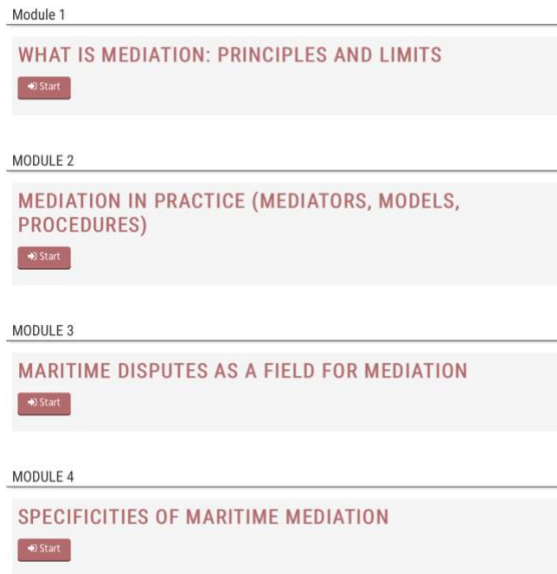
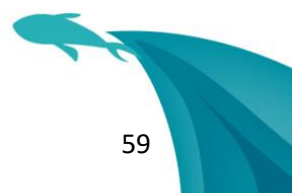


Figure 15: Modules menu

Each module was designed with a specific structure, based on the content script, and contains pedagogical information to guide the learner on the platform promoting student autonomy and self-regulation. The entry page of the module includes a summary of the module, the learning outcomes, and a roadmap. In the module, the student will have access to a page where contents are presented in different formats, there is a list of mandatory and additional references, and activities (both formative and summative). At the end there is a “Do not forget” section that gathers the take home messages of the module. Each module has a final assessment test.





Summary

Module 2 - Mediation in Practice of the online course MediMARE – Mediation in Maritime Affairs will be lectured by Lia Vasconcelos e Ursula Caser, with the support of Francisco Libreiro, Filipa Ferreira and Matilde Almodovar.

In this part of the online course several issues are covered, namely: characteristics of the mediator; preparation of mediation; listening to the parties and their perspective(s) towards the conflict, collecting of issues to be addressed; exploring interests, needs and emotions; generation of alternatives; and finally, the negotiation and celebration of the agreement by the parties. In the last part there is an overview on different models of mediation.

Learning Outcomes

Upon successful completion of this module, students will be able to:

- Understand the several professional demands a mediator should comply with;
- Recognise the several steps of a mediation procedure;
- Develop the participant's active learning skills;
- Understand the application of the different models of mediation.

Roadmap

- Read the contents on the course material.
- The activities are a crucial part of this module, so do not skip them.
- If you have doubts, take a moment to go over the contents once more.
- If you have any questions, please post them in the Forum.
- Systematise and check what you have learned by completing the final assessment activity.

Figure 16: Module page

4.2 MediMARE online course delivery

During the MediMARE project, one edition of the online course was delivered, from 13th March to 13th May 2023. Out of the total number of students enrolled, 75.3% accessed the course and of those 59,65% completed it with a passing grade (10 to 20 points).

Table 16: Course enrolment, access, and completion indicators

	Enrolled	Accessed	Completed
No. of students	227	168	102

Throughout the course, the pedagogical team monitored the students’ progress and achievement. Students’ interaction with contents was high and their completion rate for the summative activity in each module was also fairly high, if we consider the total number of students that accessed the course, as can be seen in Table 2.

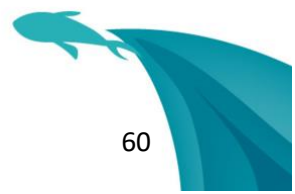


Table 17: Interaction of students with content and activity completion rates

Students' interaction/achievement per module	Interaction with contents	Activity completion
Module 1 What is mediation: principles and limits	171	117
Module 2 Mediation in Practice	127	102
Module 3 Maritime disputes as a field for mediation	116	101
Module 4 Specificities of Maritime Mediation	112	99


4.3 MediMARE Course Satisfaction Evaluation

Aiming for the continuous improvement of the course, we asked students to provide their feedback by answering a satisfaction survey, which enabled us to assess their perceptions and opinions about the course. The satisfaction assessment survey was anonymous, optional and it was available from 13th of March to the 17th of June 2023. A total of 56 students answered the questionnaire.

The questionnaire includes a total of 19 questions: 18 are mandatory and 1 is optional. In the first section of the questionnaire, socio-demographic data was collected (age, gender, academic qualifications, and country). Satisfaction was measured according to the following dimensions: the learning platform (usability and user experience); course (content and activities, resources, instructors' role and performance, interpersonal relationships, and teaching methodology); overall satisfaction (most interesting topics, most important and useful topics, strong points, and weak points); expectations; and knowledge (before and after the course).

In this approach we will not go into detail about the results of the questionnaire, however some of the aspects highlighted by students in the different dimensions were:

- The platform easy usability.
- The organization and structure of the course.
- The contents were relevant and are applicable in the professional/scientific context.
- The activities were useful.
- The evaluation methodology was adequate considering the learning objectives.

- 
- Their level of knowledge increased with the course.
 - Overall, the instructors were supportive.
 - The instructors gave timely feedback.
 - They did not feel limited in their participation by interaction occurring only online.
 - The course met or exceeded their expectations.

Students pointed out as strong points of the course: the well-organized and relevant contents, the user-friendly platform, the case studies, the variety of resources, the flexibility, and the self-paced rhythm of the course. Although most respondents stated they found no weak points, those few that did point some out referred: lack of synchronous moments, the weak interaction, absence of videos in some topics which would have been useful, no need for formative quizzes and some overlapping contents.

4.4 The future of the MediMARE online course

Students stated that their knowledge greatly increased with the course (85%) and that their expectations were exceeded (39%) and greatly exceeded (48%). Moreover, 100% of the students stated they would recommend the course to other colleagues. These are very positive key performance indicators which lead us to confirm that choosing an online course was suitable to meet the goals of MediMARE as regards this output.

In the future, we will take into consideration the feedback from the students, the teachers' perceptions, as well as the pedagogical team's, to make improvements on the course. The lessons learned during the development of the course, as well as during its delivery and evaluation, will help us in this purpose. So, the future aim is to have a better and improved course and to create sustainability for it to continue to be useful for researchers, teachers and students addressing the issues of mediation in maritime affairs beyond the MediMARE project timeline.



III. OUTREACH COMPONENT

Communication and Dissemination in Maritime Mediation

Fernando Borges/ Dulce Lopes

Coordination: UCoimbra

1. Context and objectives


In funded research projects, the dissemination and communication of results is mandatory according to its grant agreement. Sometimes there is a misunderstanding about the distinction between both terms. To better work through the issue, it is important to know the difference between the two. Dissemination relates to ensuring that the results of projects are available to the scientific community, policy actors and industry - using scientific language that prioritises accuracy. Communication activities, on the other hand, can be thought of as increasing the public visibility of the project and its results in an accessible language and for a more general audience.

Dissemination is the public disclosure of the results by any appropriate means, including by scientific publications in any medium. The goal is to public disseminate the results and transfer knowledge and results, enabling others to use and accept the results, thereby maximising the impact of research. Thus, the focus should be in describing and ensuring that results are available for further use. The main target groups will be those who have a direct interest in the project's results.

Communication on projects is a designed process, from the beginning of the project and goes until the end, throughout its entire lifetime. The goal is to promote the action and the results of the project, sharing the project's benefits with the society. Thus, the focus is in providing information about the project and promote its success stories. The target is broader and not experts on the project's subjects.

EEA Grants have general communication objectives that were included in the MediMare communication plan. EEA Grants goals are: a) making the EEA Grants and their priorities to the general public in a clear and attractive way; b) increasing the visibility and recognition of the EEA Grants brand in Portugal; c) informing current and potential partners and beneficiaries; d) to publicize the results and impacts of projects and initiatives; e) to transmit a message of assurance and transparency.

The project MediMare, besides all the reports, courses, and other outputs produced, pursued its commitment through a wide range of communication and dissemination materials. The main point of communication is the project website (<https://medimare.eu/>), where all the information is placed and



promoted, together with a newsletter. Considering the communication of MediMare project, we must also highlight the Final Symposium, but to fulfil the EEA Grants communication goals and its own strategy, the MediMare communication and dissemination plan was developed to align all communication activities under the following axis: dissemination to experts; knowledge transfer to practitioners; and communication to public.

2. Development and Results

Dissemination to experts

MediMare results were showcased and presented in different events. The team participated in academic-oriented events, but also thematic events that focused on oceans and maritime issues. To promote the usability of project's results, the MediMare team seized these moments to explain, discuss and promote mediation as a mean to overcome maritime disputes.

In academic events, the MediMare researchers were accepted to present their work at the Congress of the IBDMAR (Brazilian Institute of Law of the Sea), held in 27 and 28 October 2022 (participation in an online format), at the Congress in La Sapienza, Rome, on "Public Powers and Companies for a Sustainable Development", on the 30th of May 2023, in the 27th World Congress of Political Science – IPSA/AISP, held between 15 and 19 July 2023, in Buenos Aires, Argentina, and in the Portuguese Science 2023 Encounter, devoted to "Science and Ocean beyond the Horizon", from the 5th to the 7th July 2023, The MediMare team also seized the opportunity provided by the Portuguese Science 2023 Encounter to work on the following up of the project sustainability. Regarding thematic events about oceans, the MediMARE project was present in the Conference of the Oceans of the United Nations in June 2022, in Lisbon.

As a result of the activities of the project, a MediMare book intitled Maritime Mediation, written by one of the scholarship holders of the project (Roberta Donato) is available in open access. This book includes the main "pressure points" about maritime disputes and the way to solve them through mediation and includes relevant information such as the MediMare Glossary of relevant terms used in maritime affairs and in mediation processes.

The MediMare's Final Symposium was also open for the participation via an international call for papers. There was room for the presentation of fourteen vibrant papers in the Symposium itself, that ranged from perspectives as diverse as Maritime Mediation and the Sustainable Development Goals (SDG), Maritime Mediation "deconstructed" (with a focus on mediation procedure and foundations in maritime disputes) and New Directions for Maritime Mediation (such as online mediation and artificial intelligence).



Knowledge transfer

The usability of results is not only directed via dissemination, but also knowledge transfer activities to practitioners. Indeed, the Team recognized early in the project that the purpose of the communication and dissemination activities should be mainly linked to promote transfer of knowledge on maritime mediation once the objective of MediMARE was mainly training and education of students and professionals interested in mediation and maritime affairs.

For that purpose, the project MediMARE included a series of mostly online workshops where experts shared their knowledge and expertise to an open public. Some of the workshops are recorded and made available online on the project webpage. The topics were very interesting ranging from general mediation topics (for instance mediation and artificial intelligence, mediation toolbox and the Singapore Convention on Mediation), to specific maritime mediation presentations (for instance, mediation in shipping; mediation and law of the Sea and maritime mediation versus maritime arbitration). The workshops were well participated, and it led to a widespread word about the project, which partially explains the fact that the online course on Maritime Mediation had participants from all over the world.

The Online Workshop on Maritime Mediation held on the 30th of January 2023 deserves a special mention because it marked the first moment in which important outputs of the project were presented. Indeed, besides a keynote speech on “International Mediation: a few cultural pointers”, from Rhys Clift, a commercial mediator from Sea Mediation Chambers, the partners to the project presented the taxonomy on maritime disputes, the Report on the interviews on maritime mediation as well as a first game developed. The game was played online by one of the participants of the workshop, to illustrate how easy but also educational it could be.

Finally, to mark the end of the project, a Final Symposium was held on the 30th of June and 1st of July 2023, in Coimbra, Portugal. The final programme touched on dissemination and scientific results, and communication to broader public, the event continued with crossed reflections on the importance and future developments on maritime mediation.

The well succeeded attempt to join lawyers, mediators, maritime operators and policy makers in the same event shows that there is an interest in creating awareness on how to peacefully solve conflict that have the sea as its “seat”. Indeed, even though in many jurisdictions maritime mediation is well developed, this alternative dispute resolution mechanism has not yet reached its full potential in many areas of the world, such as the European Union. Portugal is a good example. Notwithstanding being a country historically linked

to the sea and with an immense coastline, full of potential and value, maritime issues have been under the radar and no strategy exists to deal with disputes that arise from conflicting uses of the sea.

The development of a deeper maritime conscience linked with a will to promote peaceful coexistence and cooperation in maritime affairs, particularly through mediation, as a preferred method of solving disputes, was precisely the scope of the MediMare project. The events organized under the project contributed substantially to the attainment of that goal, not only by the ample knowledge shared, but also by the involvement of the several stakeholders that may build on that knowledge and invest decisively on mediation in the maritime field.

**MediMARE:
Mediation in Maritime Disputes
Final Symposium**
UCILeR, Colégio da Trindade, Coimbra
30th of June · 1st of July

30th of June
14h30 - 14h45
Welcome words
14h45 - 15h30
Presentation of the main outputs of the project
15h30 - 16h15
Opening of the Exhibition
16h15 - 16h45
Coffee Break
Visit to the University of Coimbra (for the intensive course on Maritime Mediation participants)
16h45 - 18h45
Call for papers presentation (online format)

1st of July
10h00 - 10h15 Welcome
10h15 - 10h45 Key note speech
10h45 - 11h00 Debate
11h00 - 12h15
Round table: The need for Maritime Mediation
14h00 - 14h45
Maritime Mediation: perspectives from Mediators
14h45 - 15h30
Maritime mediation: perspectives from Lawyers
15h30 - 15h50 Coffee Break
15h50 - 16h35
Maritime Mediation: perspectives from Maritime Operators
16h35 - 17h20
Maritime Mediation: perspectives from Policy Makers
17h20 - Closing Words


Attendance is free but registration is mandatory using the following link:
<https://is.uc.pt/index.php/693332/?lang=pt>
The Symposium will be held face to face but online transmission will be available.

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Liechtenstein
Norway grants**

Program operator: REPÚBLICA PORTUGUESA, Política do Mar
Promoter: INSTITUTO DE MEDIAÇÃO EM DISPUTAS MARÍTIMAS DE COIMBRA
Partners: NIVA, POLITÉCNICO DE LEIRIA, NTNU

Figure 17: Communication to the general public

Communication to the public had to translate the core of the project to a wider audience. We had to explain what mediation in maritime affairs was and also highlight the understanding and partnership between Portugal and Norway, as a key element for an EEA Grant. Besides regular actions like the project website and the project newsletter, the MediMare team implemented the following activities: MediMare Games;



Countries of the Sea Exhibition and the MediMare Glossary, available at the online course on Maritime Mediation and in the open access book on Maritime Mediation.

Based on gamification good-practices and success stories in project communication, the MediMare Games were designed as a series of online games related to the project's main issues to promote the knowledge and reflection about maritime disputes and mediation. Players are invited to choose between different paths, simulating a mediation in maritime disputes situation. The MediMare team has produced 3 games available for everyone: Ship's Deviation; Damaged Cargo; and Misleading Incoterm clause.

In *Ship's Deviation*, the player will be able to think about Deviation. Deviation is when a ship changes its route due to justifiable causes, such as saving lives, supporting another ship in danger or without justifiable cause. Deviation may lead to a delay in the contract deadlines. Unjustified deviation is a fundamental breach of contract, and the charterer has the right to elect to terminate the contract. In *Damaged Cargo*, the player will be able to think about a cargo damaged situation. When damage is caused to the cargo that was in a container, it is important to define legal liability for loss or damage to goods between all transport members in a Combined Transport or Through Transport Operation. Sometimes it is hard to define when the damage happened since the container is closed during the transportation. In *Misleading Incoterm clause*, the player will be able to think about Incoterms. Incoterms (International Commercial Terms) are contractual terms elaborated by the ICC and that sellers and buyers incorporate into their international contracts for determining the obligations of the parties regarding the transportation costs and responsibility, where goods will be delivered (and thus where the obligation of the seller ends), insurance and export costs (taxes, declarations and other import and export obligations). The incorrect use of the Incoterms in the contract may lead to mistaken obligations / responsibilities of the Parties. Examples being who bears the risk of loss or damage to the goods while in transit, or who is responsible to pay for international transportation.

All the games are available online and open to everyone. Besides the simulation within the game structure, we offer complementary reading to increase the knowledge on selected issues related to the game. As a game, it might not offer the best and exiting experience, but the main goal of the game is to promote the knowledge about mediation and make the target groups think about how mediation can be applied.

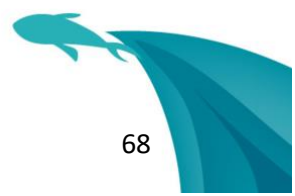
Aiming to promote the partnership between the countries in the MediMare consortium, the Team organized a mobile and digital exhibition, entitled "Countries of the Sea". The exhibition displayed the connection between with the sea in Portugal and Norway. The exhibition used storytelling techniques to highlight the connection between the partner countries. Built on digital formats, the exhibition is suitable for promotional events, and it can be adapted to appear on the website. For this activity, the target audience was our stakeholders present in our final event.



The exhibition was organized in cooperation with the Núcleo Museológico do Mar from Figueira da Foz municipality, the Sines Municipality, and the Trondhjem's Maritime Museum. They were approached by the MediMare team to collaborate with the project to provide the knowledge and the collection necessary for an exhibition. Their experience in documenting the seafaring life was invaluable to create the content for the exhibition.

The first challenge was to find a point of connection between Portugal and Norway able to show the countries link to the sea, and, at the same time, capable of providing a dialogue platform for both. Having mediation as the main subject of the project and having EEA Grants as funder, the partnership aspect between Portugal and Norway as a key aspect to focus. After meetings with Núcleo Museológico do Mar and Trondhjem's Maritime Museum, we learned that both had a good collection of photos documenting the codfish industry. The exhibition was later complemented with seafaring life aspects such as the specific jargon used by fishermen in Sines coastal village.

To maximize the exhibition, reach and to allow the actors involved to share their vision, the opening of the exhibition was preceded by a panel in the final Symposium. The exhibition opened on June 30th and remains open for visits until September 30th, at *Colégio da Trindade* at University of Coimbra.





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MediMARE

Mediation in Maritime Disputes

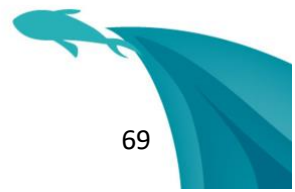
COUNTRIES OF THE SEA EXHIBITION


30 June ~ 30 September 2023

UCILeR · Coimbra



Figure 18: Countries of the Sea Exhibition





The MediMare Glossary includes main concepts that will help any beginner or a person that is developing knowledge in maritime mediation to have an easily accessible tool to read, interpret and apply mediation to several types of maritime disputes. It is therefore a helpful output of the project that condenses the main information available from legislation, doctrine, and case law and that allows for a wider and uncomplicated awareness and access to terms that are usually presented in a complex form. In total the Glossary contained 84 entries that were divided into 12 monthly newsletters.

3. Lessons Learned

The project has contributed to the further knowledge of maritime conflicts and the welcomed role of mediation in this area, by a series of outcomes produced and their timely and adequate communication and dissemination. The taxonomy of maritime disputes hinted for the large number of stakeholders involved in maritime disputes. Thus, the variety of target audiences for different communication and dissemination activities carry an interesting challenge for MediMare and for future projects.

The three axis of communication plan aimed at widening the spectrum of activities in order to reach more groups. Dissemination and knowledge transfer activities had direct contact and specialized targets, allowing for a closer control of feedback, enabling a good evaluation. The contact with the public is more disperse, proving to be a challenge to have a clear picture of the results. All in all, we can attest for the success of these activities, reaching MediMare goals and being a dutiful of EEA Grants aims.

Communication and Dissemination activities under the project allowed the Team to understand how much there is to be done still in the maritime area when conflicts occur. The specificities of these conflicts (international nature in most cases, complexity – of subject matter, of involved actors - and dispersal of the rules able to solve them) make them a fertile ground for experimentation and implementation of alternative dispute resolution mechanisms, mainly mediation, a conclusion that has already been reached by many, but still needs to be widespread.

Finally, we must look at the future, where the oceans will be a key factor in many issues. Either as part of SDG 14 (Conserve and sustainably use the oceans, seas, and marine resources) or as one of 5 EU Missions (Restore our Ocean and Waters by 2030), oceans will be central to issues regarding pollution, climate change, energy production, food resources, animal life, and many others. All that issues may lead to different controversies and disputes, involving a great multitude of stakeholders, from fishermen to big companies and governments, where mediation might have an important role to play.



IV. TRAINEESHIPS

Coordination: MARE-NOVA

The Traineeship is one of the necessary components to fulfill the main objectives of the MediMARE project. The aim is to enable trainees to further develop the skills acquired in the intensive program in real maritime mediation scenarios.

The traineeship tasks involved real mediation scenarios and the analysis of maritime disputes. The association to the Directorate General for Justice Policy project will open the scope and relevance of the internships, given the possibility of access to this public institution.

During the traineeship, trainees had the opportunity to follow some of the collaborative co-construction processes, coordinated by the MARE-NOVA team, involving the local administrative and fishermen community, with a view to building joint solutions for the resolution of emerging conflicts. This gave trainees a better sense of how to operationalize/implement collaborative decision-making and provide them with other collaborative methodologies and techniques.

1. Selection Process for Trainees

The MediMARE Traineeship was announced for up to 3 trainees (or interns), for a period of 2 months - between May 15 and July 15, 2023, with an application deadline of May 8. This was widely spread in several platforms and networks, namely MediMARE official platforms and the MARE community. These Traineeships free of charge had funding for the participants from the MediMARE project, which provided a daily allowance to cover the period of the traineeship.

The dissemination of opportunity and application for the MediMARE Traineeships was available on the official project platform and was also disseminated throughout the MARE community.

According to the traineeship's application flyer, which can be found on the page below, participants, to make their application, should present the name and personal contacts, a curriculum vitae and a motivation letter explaining their interest in the internship, their availability and their conditions to be selected. The selection criteria of the trainees included several components, such as, written, oral and reading English language control, academic and/or professional background related to the project theme, the motivation of the trainees to work directly with the communities in conflict and the full availability to collaborate for the Traineeship, developing the case studies requested by MARE-NOVA.

Three trainees were selected, and all accomplished the training period, that included attendance of the Intensive Training Course on Maritime Mediation.

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MEDIMARE – Mediation in Maritime Affairs - TRAINEESHIP

- Does mediation interest you or are you already engaged in mediation?
- Do you want to know more about conflicts at sea and the best ways to solve them?

Then this Traineeship is for you!

We are looking for **3 trainees**, who will learn, develop, and apply competent mediation skills, which comprises real scenarios of mediation and analyses on maritime disputes. This Traineeship will be held at NOVA School of Science and Technology, from the **15th of May 2023 to the 15th of July 2023**.

The Traineeship is free of charge, and training expenses will be covered through a daily allowance granted to the trainees!

If you're interested, **send us an e-mail until the 8th of May to medimare@uc.pt** with:

- Name and personal contacts (e-mail and mobile phone);
- Brief curriculum vitae (CV) (1 page);
- Motivation letter (max. 2 pages) in which you'll let us know your interest in the Traineeship, your availability and why you think you have all that it takes to be selected!

The selection of the 3 trainees will be communicated until the 11th of May 2023!

REPÚBLICA PORTUGUESA ECONOMIA E MAR | Direção-Geral de Política do Mar | 12 90 UNIVERSIDADE D COIMBRA | POLITÉCNICO DE LEIRIA | NOVA NOVA SCHOOL OF SCIENCE & TECHNOLOGY | MARE

Figure 19: Dissemination Flyer of the MediMARE's Traineeship

The internship took place at the Department of Environmental Sciences and Engineering of the Faculty of Sciences and Technology of the New University of Lisbon, in partnership with the Center for Marine and Environmental Sciences - MARE.

2. Activities Developed

2.1 Interviews

To promote a targeted and structured conversation, three interviews were prepared adapted to the particularities of each location; one interview to be conducted in Trafaria, another in Fonte da Telha, and finally in Sesimbra, with the first 12 questions being kept as general and therefore common to both three.


In addition to the interviews directed to fishermen or fishermen associations, interviews were also prepared with questions directed to local entities or institutions that exert influence in the area, such as the Municipality of Sesimbra, the Parish Council of Santiago. Below you can find the list of interviewees and the key issues identified by them.

Table 18: List of the interviews and key issues

Nome	Entidade	Data	Key issues
César Lopes	Sindicato Livres dos Pescadores /ALA-ALA (Associação de Pesca Artesanal Local e Costeira e de Apoio Social aos Pescadores)	04/07/2023	Non full-filled promises regarding the renovation of the port; Lack of attractiveness of the sector
Mário Figueiredo	Associação de Pescadores e Residentes da Fonte da Telha	15/06/2023	Urban relocation
António José Azevedo	AAPCS – Associação de Armadores de Pesca do Centro e do Sul (Cabaz do Peixe).	15/06/2023	Port conditions; Nowadays lack of attractiveness of the sector; Creation of a marine park.

2.2 MediMARE Course: Intensive Training Program in Maritime Mediation

Over the course of two weeks (June 19-30), the trainees participated in the MediMARE Course: Intensive Training Program in Maritime Mediation. During the course, they were introduced to the main aspects of the mediation process, a tool of alternative dispute resolution. Highlights included the ideal characteristics of a mediator, as well as the different types of mediation and their consequent phases. With a strong practical component, the course prepares the students for realistic situations of conflict resolution, culminating with a practical exercise where the students explored what had been taught.



Participation in the two weeks intensive course in Leiria provided the trainees with the necessary knowledge to an adequate starting point in maritime mediation. From what was learned aspects such as: (a) the main characteristics of a successful mediator and if the mediator should have a minimum knowledge of the conflict content, practical skills (how to empower people, good listener, good leader), ethical awareness, also, emotional sensitivity; (b) co-mediation and when it is appropriate; (c) the issue of confidentiality in two parties and multiparty mediation.

The trainees found particularly interesting the classification of maritime conflicts: a) Public conflicts (involves states and international organizations; legal instruments used to solve the taxonomy of conflicts); b) Private conflicts (maritime private disputes are inherently commercial, when dealing with commercial contracts or with conflicts related to acts and facts of maritime law, like insurance claims, general average, conflicts on collision, among others); c) Mixed nature conflicts (concerns: voluntariness, the role of the mediator and the balance among confidentiality/transparency; examples: conflicts regarding the private exploitation of environmentally protected areas).

After assessing some key aspects before the beginning of the process itself, the trainees found it interesting to mention the concrete stages when building the mediation process: 1) Identity the problem (political, social and economic dynamics - at different levels, national level, regional level, community level, business level; impacts of the company and the project - direct and indirect impacts of the enterprise or project in terms of local context or “way of life” of the communities; dividers and connectors; building the mediation process); 2) Define objectives (focusing on concrete results) : generation solutions to the problems faced by the complaint/community; stabilize future interaction between the parties; ensure engagement for future developments; 3) Identify the participants (identify the participants, their representatives and define their roles); 4) Define roles (of each party involved; observers, parties, experts, mediators, among others); 5) Design the process.

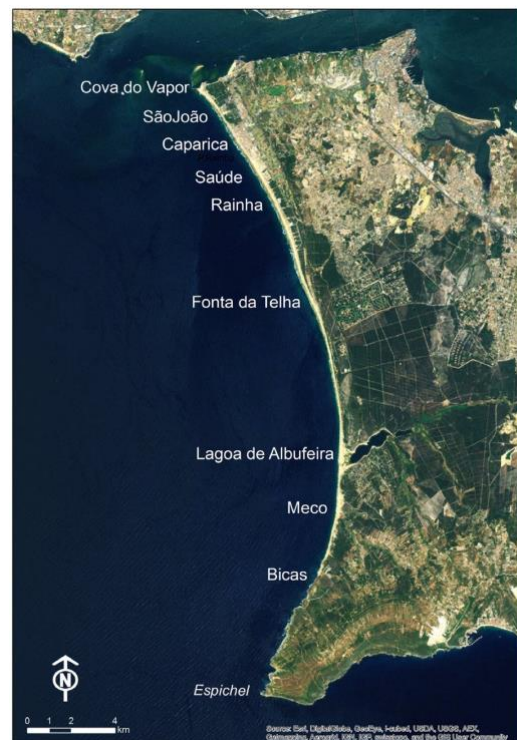
2.3 Study Cases

The trainees developed a brief geographical characterization of the two case studies selected - Costa da Caparica- Fonte da Telha and Trafaria, to provide the spatial context of departure (see figure below).



Evolution of Troço Trafaria - Costa da Caparica

adapted by Rocha (2011) (Oliveira, 2015)



Geographical delimitation of Fonte da Telha - Costa da Caparica (2007), in *Perfil de Água Balnear da Fonte da Telha (2014)*

Figure 20: Spatial location of the study case

The aim of the case studies was to analyze the main conflicts that arise within small-scale fishing communities, focusing on Costa da Caparica (Fonte da Telha and Trafaria). For this several key issues were identified:

- main risks and vulnerabilities, such as coastal erosion and floods since the urban clusters are in territory of extreme risk. Regarding the main vulnerabilities, the highly dependence on the environment has already started to produce its negative effects (like water pollution, weather conditions, increased water temperature, among others);
- The lack of conditions on ports as a struggle for people depending on that and the several years delay in the construction of a new port.
- The fact that small scale fisheries show rising operational does not create a significant profit.
- The lack of generational renewal in fisheries.
- many conflicts reported within these communities.



The main goal is to reach an optimum response to these issues, keeping in mind the communities' perspectives but also the several opportunities that may be beneficial towards them and the competent entities to contact to assist on these matters. For this mediation is a way.

Key conflicts reported by the fishing community include:

1. an alleged right of permanence requested facing possible measures towards an effective coastal protection avoiding relocation of the local population and its activities. In the case of need or relocation, they request the precaution to use areas close to the coastal line. However, they consider that there are possible measures intrusive solutions and conventional constructions, to avoid coastal erosion.
2. tourism was considered the activity with stronger negative impact on fishing, especially Surf/KiteSurf/Bodyboard schools and camps, and specifically in Fonte da Telha the bathing activity (generated by tourism).
3. excessive amount of supervision on small-scale fisheries was perceived as disproportional compared to recreative fishermen.
4. limited participation of the communities in the decision-making processes, due to non-facilitation from competent authorities.

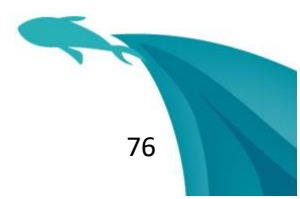
They also referred that there are no conflicts with other fishermen, and they identified no impacts on their activity related to other sea activities (e.g., aquaculture).

Regarding environmental measures, besides the struggles due to coastal erosion and, consequently, the need to relocate the population and its activities, the study case show that climate change is, not only in the future but also now a severe challenge to the fishing activity. Logically, this phenomenon has an impact on factors like weather conditions, water pollution, as well as the changing of temperatures within the sea, will affect the distribution of many species.

Another significant conflict, the lack of legal and institutional influence and representation will continue to be an obstacle to achieve harmonization on many measures, not only in fishing, but several different activities in what participation of these fishing communities in decision making is crucial for sounder solutions.

Lastly, it is necessary to consider tourism as a source of negative impact in fishing. Economically, an important, sector and showing a growing trend towards the future, it is essential to tackle the problems that arise from it, more specifically, in Fonte da Telha, to assure the compatibility of fishermen's activities and bathing activities.

Port improvement is a significant struggle in the fishing sector and needs urgent modernization of its facilities. Simultaneously, improvement of the fishing productivity through marketing strategies and





commercialization of products may be a good option. Also, the small-scale fishing sector could benefit from a change regarding the management of fisheries, re-adjusting the present top-down system. Logically, a more local approach (meaning, management considering local conditions, and economic and social context, among others) could help improve the effectiveness of policies.

When debating these issues, cooperation between the parties and impartiality is essential. Probably, be able to reunite with fisherman representative associations and the parties who have a high impact on decision-making. Also, regarding the prohibition of catching shellfish, and considering that this prohibition only made people continue to do it but illegally, it would be interesting too, on a first note, consider the existence of a competent association that can manage the consequent problems of this illegal activity, such as fines (perhaps the association on shellfish shipowners, AABT, would be a good asset).

2.4 Lessons Learned from the traineeship

After discussing what we believe are the main topics on this subject, it is still important to leave some final but fundamental remarks. Our main perception after this analysis throughout the two months of the Traineeship, is possible to affirm that mediation can have a significant role in these conflicts' resolution.

In these concrete fishing communities in Costa da Caparica and Sesimbra, one of the main assessments that we can make was the feeling of lack of representation in decision-making processes. The idea of not being consulted and not being included in processes that highly impact these people's jobs and livelihoods increases the tension between the several stakeholders involved in the process.

If done correctly, a mediation process can have a severe positive impact within these situations, since it can become the successful asset that the parties need to reach a common agreement and have their interests heard and taking into consideration.





V. INTENSIVE TRAINING COURSE ON MARITIME MEDIATION

Cátia Marques Cebola and Ana Paula Alves (IPLeiria).

Coordination: IPLeiria

1. General framework and purpose

The intensive course on maritime mediation of the MediMARE Project intends to provide basic knowledge regarding a maritime mediation process and about the specificities of this dispute resolution mechanism when applied to maritime conflicts. Thus, this activity of the MediMARE project aimed to develop a training course to teach students and professionals working in the maritime field to expand their skills with mediation and to promote a culture of peaceful conflict resolution in their current and future work.

The course was focused on practical cases of mediation and was tutored by researchers and mediators that had worked in the maritime field. Also, experts on maritime issues and mediation were invited to take part in this intensive training program.

The modules had not only a theoretical but also a practical vein, mostly through mockups, which was ensured by the participation of actors and players in the field and by the conduction of mediation simulations in several maritime mediation settings.


The intensive training course had in total 55 hours (45 hours of contact hours and 10 hours of activities) to equate to 2 ECTS.

Those 45 contact hours include:

- Seven modules with a total of 30 contact hours, containing theoretical and practical lectures, role plays, mockups, and case studies.
- Five seminars with a total of 15 hours on specific subjects.

2. Participants

This course was designed for trainees who wish to acquire knowledge about the process of maritime mediation. The intensive training program was held in presence in Leiria, from the 19th to the 30th of June 2023 and attendance was limited to 24 persons.



The Intensive Training Program was free of charge and financing is granted for the attendees within the scope of the Medimare project.

3. Learning objectives

The main goal of this intensive course is to provide essential knowledge and to debate the main tools and instruments for maritime mediation in order to gather information, knowledge and good practices.

The participants of this intensive course should be able to:

- Learn and identify the characteristics of a maritime mediation;
- Understand basic concepts on maritime law and mediation;
- Explain the phases and models of maritime mediations;
- Categorize any maritime disputes within the Maritime Taxonomy;
- Know and explore the skills of a mediator in the maritime field;
- Explaining competing and collaborative negotiation and conflict resolution methods;
- Mediate a maritime dispute according to the knowledge developed in the course, role plays and wrap-ups.

During the training, a visit to MAREFOZ, in Figueira da Foz (near Leiria) took place. In these activities students gathered with specialists and national policymakers that present the research unit facilities and briefed them on the projects' research results on governance and the importance of mediation.

4. Trainers – Tutors

The Intensive Training Program was lectured by professionals and academics specialized in the maritime field and/or in mediation, namely from Portugal and Norway. Here follows a brief biographical note:

- **Cátia Marques Cebola** is a Professor, teaching Alternative Dispute Resolution and Civil Law, at the Polytechnic of Leiria in Portugal and is President of the Institute for Certification and Training for Mediators in Lusophones Countries (ICFML).
- **Dulce Lopes** is a Professor of European Union Law, Private International Law, and Urban Planning Law at the Faculty of Law of the University of Coimbra.

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- **Lia Vasconcelos**, Professor at DCEA, FCT- UNL and researcher of MARE (www.mare-centre.pt/pt).
 - **Roberta Mourão Donato** is a Ph.D. Candidate in Business Law at the Faculty of Law of the University of Coimbra and Collaborative Researcher at the University of Coimbra Institute for Legal Research (Portugal) and as an attorney, being legally admitted to practice law in Brazil, New York, and Portugal.
 - **Kristine Størkersen** has a Ph.D. in organizational sociology about the practical consequences of the maritime safety management regulation (“Bureaucracy overload calling for audit implosion: A sociological study of how the International Safety Management Code affects Norwegian coastal transport”, 2018).
 - **Ursula Sabine Caser** researcher at the University of Hamburg, has a Master in Européen en Médiation no Institut Universitaire Kurt Bösch, em Sion, Suíça (2000) and researcher of MARE.

The seminars and experience gained from the online course of the Medimare project also allowed us to realize the importance of students having basic knowledge about maritime law, so a module in this area was integrated as well. The course has a highly practical component, so a module was added just for mediation mock-ups. The intensive course covered the following modules, as described below, and several seminars were held with a focused approach to mediation and maritime issues.

5. Modules

- Maritime law and mediation
- Maritime mediator: characteristics
- Key concepts and critical factors for mediation
- Negotiation and conflict resolution
- Mediation process: phases and techniques
- Conflict handling in the maritime context
- Models of mediation
- Maritime Mediation: Role Play and Mockups

5.1 Maritime law and mediation

The "Maritime Law and Mediation" module addressed basic concepts of maritime law, aiming to make the mediator aware of the concepts that can lead to disputes to be mediated. This module was given by instructors Dulce Lopes and Roberta Donato. The module's workload included 6 hours of face-to-face classes and 2 hours of autonomous work.

Table 19: Module Structure - Maritime Law and Mediation

Learning objectives	Knowing the main rules applicable in the maritime field; the key terminology in the maritime field; and the ways to resolve maritime disputes.
Module program	<p>The module program consisted of the following topics:</p> <ol style="list-style-type: none"> 1. Sources of international maritime law and main organizations 2. Terminology on Maritime Law <ul style="list-style-type: none"> • UNCLOS' concepts: territorial sea, continental platform, contiguous zone, exclusive economic zone, right to innocent passage. • Commercial terminology: maritime agent, shipowner, cabotage, captain, commander, container, vessel and ship, charterer, international transportation vs. cabotage, bunkers, etc. • Differentiation among the types of ships and implied warranties to their operations: commercial and war ships • Facts and accidents of navigation: collisions, salvage, general average, towage, wreck removal, pilotage, etc. 3. International trade, transportation by sea and maritime insurance <ul style="list-style-type: none"> • Carriage Contracts, Charter Parties (Voyage charterparties and time charters); Bill of Lading; Incoterms, Demurrage, • Maritime Insurance (terminology, types, and coverage) • P&I Clubs 4. Maritime Courts, Arbitration, and other dispute resolution mechanisms in maritime disputes.
Teaching methodology	The teaching methodology of the module consisted of lectures: presentation of program contents with analysis of legal documents and resolution of case studies; independent work: study and reading of the main and complementary bibliography.



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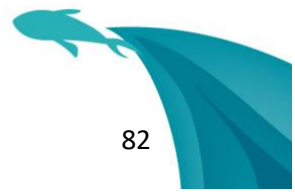
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5.2 Maritime mediator: characteristics

The "Maritime Mediator: characteristics" module focused on learning the specific characteristics and skills required for a maritime mediator. The training was conducted by Lia Vasconcelos and Cátia Marques Cebola. The module consisted of 3 hours of in-person classes and 1 hour of autonomous work.

Table 20: Module Structure - Maritime mediator: characteristics

Learning objectives	<ul style="list-style-type: none"> • To acquire knowledge of the necessary skills for a maritime mediator • To understand how a maritime mediator should develop and acquire these skills • To learn how to effectively manage personal conflicts as a maritime mediator
Module program	<p>The program of the module covers the following topics:</p> <ul style="list-style-type: none"> • Characteristics and specific skills of the maritime mediator • Emotional skills • Ethical awareness • Substantive knowledge
Teaching methodology	<ul style="list-style-type: none"> • Lectures: presentation of the program content, including the analysis of legal documents and resolution of case studies • Autonomous work: independent study and reading of the main and supplementary bibliography
Bibliography	<ul style="list-style-type: none"> - BROWN, Henry & MARRIOTT, Arthur (2019). <i>ADR: Principles and Practices</i>, 4 ed. Sweet & Maxwell. - SU-MI, Lee (2019). <i>Good Mediator. Relational Characteristics of Effective Mediators</i>. Lexington Books.



5.3 Key concepts and critical factors for mediation

The "Key Concepts and Critical Factors for Mediation" module focuses on understanding the specific opportunities and challenges of maritime mediation. The training was conducted by Lia Vasconcelos and Úrsula Caser. The module consisted of 3 hours in-person classes and 1 hour of autonomous work.

Table 21: Module Structure - Key concepts and critical factors for mediation

Learning objectives	<ul style="list-style-type: none"> • Communication competences • Knowledge on group dynamics • Understanding on interests and positions • The trainees should also gain competencies to conduct a fair and inclusive process.
Module program	<p>The program of the module covered the following topics:</p> <ol style="list-style-type: none"> 1. Key concepts that support maritime mediation: <ol style="list-style-type: none"> a. Communication b. Group dynamics c. Interests and positions 2. Critical factors: <ol style="list-style-type: none"> a. Number of involved parties b. Types of conflict c. Status of conflict dynamics and escalation 3. Factors for success: <ol style="list-style-type: none"> a. Problem definition and collective agenda b. Trust-building processes, creativity, and flexibility Inclusiveness, fairness, and transparency
Teaching methodology	<ul style="list-style-type: none"> • Lectures: presentation of the program content • Interactive exercises • Simulations and role-plays • Auto-reflection and joint analysis of experiences • Autonomous work: study and readings
Bibliography	<ul style="list-style-type: none"> – BUSH, R.A. B., FOLGER, J. P. (2004). The Promise of Mediation. The Transformative Approach to Conflict. Jossey Bass. – FISHER, R., et al. (2011). Getting to Yes: Negotiating Agreement Without Giving In. Penguin Books. – HARGIE, O. (2018). The Handbook of Communication Skills. Routledge.

5.4 Negotiation and conflict resolution

The "Negotiation and Conflict Resolution" module aimed to introduce basic knowledge on negotiation techniques, methodologies, and mechanisms for consensus-oriented conflict resolution in the maritime context. The training was conducted by Lia Vasconcelos and Úrsula Caser. The module consisted of 3 hours online classes and 1 hour of autonomous work.

Table 22: Module Structure – Negotiation and conflict resolution

Learning objectives	<p>The learning objectives and competences of this module were:</p> <ul style="list-style-type: none"> • conflict resolution strategies • techniques for joint problem solving • collaborative methodologies creativity tools to support parties in decision making
Module program	<p>The program of the module covered the following topics:</p> <ol style="list-style-type: none"> 1) Conflict analysis and conflict mapping 2) Stakeholder analysis - identification of the parties to be involved and selection. 3) Composition of the mediators' team to address the conflict adequately. 4) Ethics of intervention and issues of fairness 5) General framework conditions + Basic logistic demands. Process design and dstrategies for conflict resolution
Teaching methodology	<ul style="list-style-type: none"> • Lectures: presentation of the program content, including the analysis of legal documents and resolution of case studies. • Autonomous work: independent study and reading of the main and supplementary bibliography.
Bibliography	<ul style="list-style-type: none"> - BRESLIN, W. J., et al. (2010). Negotiation Theory and Practice Program on Negotiation Harvard. - FISHER, R., et al. (2011). Getting to Yes: Negotiating Agreement Without Giving In. Penguin Books. - GARCIA, H. Fred (2012). The Art of Negotiation: How to Improvise Agreement in a Chaotic World. Pearson. - MOORE, C. (2014). The Mediation Process: Practical Strategies for Resolving Conflict, 4 ed. Jossey-Bass - SIEDEL, G. (2014). Negotiating for Success: Essential Strategies and Skills. Van Rye Publishing.

5.5 Mediation Process: Phases and Techniques

The "Mediation Process: Phases and Techniques" module intended to provide knowledge about the mediation process, its different stages, and the challenges involved. The module was conducted through 6 hours of face-to-face classes and 3 hours of autonomous work. The trainers for this module were Lia Vasconcelos and Úrsula Caser.

Table 23: Module Structure -Mediation Process: Phases and Techniques

Learning objectives	<p>Upon completing this module, the students should acquire the following competencies:</p> <ul style="list-style-type: none"> • How to prepare a mediation process • What are the stages and phases of the mediation process • What are the mediators' challenges of conducting a mediation towards agreement
Module program	<ol style="list-style-type: none"> 1. Preparation of mediation 2. Inventory of topics to be addressed 3. Exploring the parties' perspective(s) towards the conflict 4. Exploring positions, interests, and needs. 5. Venting of emotions 6. Generation of alternatives 7. Selection and adaptation of feasible options 8. Negotiation and celebration of the agreement 9. Final decisions (monitoring, test of robustness)
Teaching methodology	<ul style="list-style-type: none"> • Lectures: presentation of the program contents • Interactive exercises • Simulations and Roll-Plays • Auto-Reflection and joint analysis of experiences • Autonomous work: study and readings
Bibliography	<ul style="list-style-type: none"> - ASARE, I. (2019). Mediation Process: Mediation Step by Step. Kindle Edition. - GOLDBERG, S., et. al (2020). Dispute Resolution: Negotiation, Mediation, Arbitration, and Other Processes. 7 ed. Aspen Publishing. - MOORE, C. (2014). The Mediation Process: Practical Strategies for Resolving Conflict. 4 ed., Jossey-Bass.

5.6 Conflict handling in the maritime context

In this module students will learn about the work and life of seafarers, some examples of conflicts and conflict solving in the maritime industry. The trainers for this module were Gunnar Lamvik, Aud Marit Wahl and Kristine Størkersen.

Table 24: Module Structure – Conflict handling in the maritime context

Learning objectives	<p>After this module, trainees should know:</p> <ul style="list-style-type: none"> - Organizational conditions for seafarers - Examples of conflicts and conflict solving on different levels among seafarers and maritime actors - A framework for understanding disputes that arise from maritime issues (a taxonomy/classification of maritime conflicts).
Module program	<ol style="list-style-type: none"> 1. Organizational conditions for seafarers: Working conditions. Group dynamics, power and trust on board. Relations with onshore office and society. Regulations and procedures. Professional culture and seamanship. 2. Examples of conflict solving among maritime actors: Social negotiations on board. Manager and leadership skills. Training. Inter-organizational and multipartite dialogue. 3. Taxonomy of maritime conflicts: A framework for understanding disputes that arise from maritime issues, of both public and private nature., formal and informal issues. Relevant for discussing actors, topic category, and severity of existing or potential accidents.
Teaching methodology	<ul style="list-style-type: none"> - Lectures based on empirical qualitative studies and research about the maritime industry - Group discussions and practical exercises - Individual work: studies of the bibliography
Bibliography	<ul style="list-style-type: none"> - Haavik; Størkersen; Antonsen (2022). A taxonomy of maritime disputes as a foundation for mediation. Report from the MediMare project - Størkersen, Kristine (2015). "Survival versus safety at sea. Regulators' portrayal of paralysis in safety regulation development". Safety science. - Lamvik; Wahl; Pettersen Buvik (2010). "Professional culture, work practice and reliable operations in shipping". Reliability, Risk and Safety: Theory and Applications. - Wahl, Aud Marit (2017). "Leadership @ sea: Essential nontechnical skills". Safety and Reliability. Theory and Applications

5.7 Models of mediation

The "Models of Mediation" module intends to acquire knowledge about the various mediation models that can be used in (or at times of) maritime mediation and that are distinguished above all by their strategic objectives. The trainers for this module were Cátia Marques Cebola and Susana Monteiro.

Table 25: Module Structure – Models of mediation

Learning objectives	<p>The learning objectives of this module were:</p> <ul style="list-style-type: none"> • the main mediation models applied at maritime field • when to use each model
Module program	<p>The program content of the module includes the following mediation models:</p> <ol style="list-style-type: none"> 1) Model of the Harvard School Principles; 2) Circular Narrative Model; 3) Transformative Model.
Teaching methodology	<ul style="list-style-type: none"> • Lectures: Presentation of the program content with the analysis of legal documents and resolution of case studies. • Autonomous work: Study and reading of the main and complementary bibliography.
Bibliography	<ul style="list-style-type: none"> - FISHER, Roger, URY, William, PATTON, Bruce (1999). Getting to Yes: Negotiating an Agreement Without Giving In, 2ª ed., Random House Business Books. - COBB, Sara (1994). "A narrative perspective on mediation: towards the materialization of the "storytelling" metaphor", New Directions in Mediation: Communication Research and Perspectives, Edit. Joseph Folger e Tricia Jones, Sage Publications, pp. 48-66. - SUARES, Marinés (1996). Mediación, conducción de disputas, comunicación y técnicas, 1ª ed., Editorial Paidós. - BUSCH, Robert & FOLGER, Joseph (2004). The Promise of Mediation: The Transformative Approach to Conflict, Jossey Bass.

5.8 Maritime Mediation: Role Play and Mockups

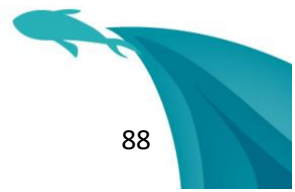
The "Maritime Mediation: Role Play and Mockups" module focuses on the practical application of maritime mediation cases. The trainers for this module were Lia Vasconcelos and Úrsula Caser.

Table 26 – Module Structure: Role Play and Mockups

Learning objectives	<p>After this module, trainees should know:</p> <ul style="list-style-type: none"> - Apply knowledges acquired during the course. - Know the main traits of maritime mediation. - Conduct a mediation maritime process.
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Module program	This module has a practical vein and urges the participants of the course to put into practice their learned abilities. An explanation of the MarGov Mediation occurred in Portugal will also be debated.
Teaching methodology	- Role Play and mockups





VI. LESSONS LEARNED

Coordination: MARE-NOVA

Overall, the MediMARE aimed to contribute to promote knowledge for maritime mediation making the most of moments of learning in training as in course attendances. Two courses emerged out of the project, both replicable in different contexts. Maritime mediation proved to be an area of opportunity deserving full attention.

The strategy followed by the project proposal developing a set of activities to give support to the curriculum development proved to be of the utmost importance and gave the needed sound support to the Curricula development. Namely,

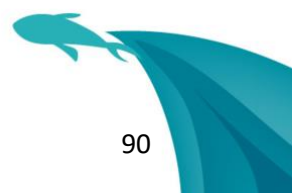
- a **taxonomy** of maritime disputes as a foundation for mediation was essential for the analysis of maritime mediation scenarios and their proper framing.
- the **curriculum analysis** for maritime mediation identified a gap in the supply of this type of offer, although there is evidence of a wide offer in mediation and environmental mediation. To give a wider support to curriculum development key concepts, mediation practices in the Portuguese ZEE, and Case studies on Conflicts in the Atlantic High Sea, showing the importance and challenge for mediation are also described showing the growing demand for maritime mediation skills.
- **interviews** - conducted with relevant actors in the maritime domain, both in Portugal and in Norway, to better understand their perceptions and expectations towards maritime mediation.
- **relevant actors'** identification in the maritime domain – for the interviews identification and mapping of relevant actors was key, giving a overall view of the entities that deal mostly with the maritime issues, their interests and competences, but most of all their perceptions on maritime mediation

The two courses developed with this support, an online course (with more than 100 participants) and the Intensive Training Course on Maritime Mediation - provided basic knowledge regarding maritime mediation process and about the specificities of dispute resolution mechanism applied to maritime conflicts. Both proved to be very successful and have the versatility to be replicated elsewhere.

In fact, the intensive training course of 55 hours is structured in 7 modules of 30 contact hours, containing theoretical and practical lectures, role plays, mockups, and case studies, and 5 seminars adding up to 15 hours on specific subjects, can be replicated elsewhere since it proves to be a successful to promote knowledge in maritime mediation.



The intensity of the course and the practical character imprint on it by mediators that had worked in the maritime field was a substantial value added. This was reinforced by the experts on maritime issues and mediation invited to take part in this intensive training program.





VII. WRAP UP: FINAL REMARKS

Coordination: MARE-NOVA

The project developed relevant inputs about the importance of mediation for a consensus-oriented conflict management in maritime disputes, and produced a substantial outcomes, available at the project website - <https://medimare.eu/>.

Next, results are presented in a synoptic way.

1. Research developed on Maritime Mediation

Under the project a series of research materials and respective reports were developed. A taxonomy of maritime disputes as a foundation for mediation was essential for the analysis of maritime mediation scenarios and their proper framing. In addition, semi structured interviews were conducted with relevant actors in the maritime domain, both in Portugal and in Norway, to better understand their perceptions and expectations towards maritime mediation. This led to a proposal of a Curricula for Maritime Mediation courses that could be used within the project and replicated beyond it and a Guidebook that explains the main steps of the project and its results.

2. Courses on Maritime Mediation

The project itself conducted two courses on Maritime Mediation: a first course was held online with more than 100 participants successfully concluding the Course (a new edition will follow soon); and a second face-to-face Intensive Course for 24 participants was held in Leiria, Portugal. Both helped to train and develop competencies in Maritime. Mediation is a way to increase knowledge in the field.

3. Scholarships and Traineeships on Maritime Mediation

The MediMARE project offered scholarships and traineeships that reinforced the project Team and allowed for fresh inputs to be included into the initial project application. The Team has worked collaboratively and has also benefited from external collaborations that helped make the project an even more successful journey.

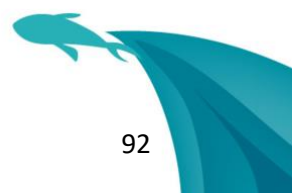
4. Communication and Dissemination Materials

The project has also pursued its commitment through a wide range of communication and dissemination materials, such as a series of online workshops, some of them available for viewing online, with online games on maritime mediation and with an open access book on Maritime Mediation. The final Symposium included an international call for papers and involved lawyers,



mediators, maritime operators, and policy makers, and marked the opening of the exhibition on “Countries of the Sea.”

The **MediMARE** project is a landmark in the launching of the **Mediation in Maritime Disputes**, establishing the departure to an area full of potential and still in a preliminary stage. A lot was conquered during the evolution of the project, allowing to establish the pillars for future consolidated mediation in maritime disputes. The project provided a unique opportunity for a wide collaboration among a diversity of perspectives and established the main structure and contents to capacitate new mediators for the Sea, which is essential for a good management of this valuable resource.



ANNEX 1 – INTERVIEW GUIDE

Short information on the project MediMARE, maritime disputes and what mediation is and what it is not.

Maritime Mediation is an international EU research project under the leadership of Professor Dulce Lopes, University of Coimbra, Portugal, funded by the EEA Grants. The project aims to develop courses and training tools teach students and professionals working with maritime topics to expand their skills, with mediation tools to promote a culture of peaceful and equitable dispute resolution in their actual or future work in maritime issues.

Maritime disputes are of great diversity and can range from contractual to extracontractual issues, as well as from commercial and civil disputes to those relating to public international law and European Union law. Here are some of the most relevant topics: circulation of vessels and coastal transport; boundary disputes and use of marine resources by coastal countries; environmental disasters at sea; migration issues ; contractual disagreements regarding provision of services; liability for non-performance; labour and disciplinary disagreements; fishing quotas adjudication; location of fishing farms; offshore investments conflicts; disputes between seafarers; safety management at sea; discrimination and harassment claims, etc.

Mediation entails the involvement of an impartial third party to support and help those involved in a conflict to find a resolution. It is an alternative to negotiation, arbitration, or litigation. The key difference between negotiation and mediation is that in negotiation, the parties involved work out their own agreement. In mediation, they are supported by a third party, the mediator, to help them come to an agreement. A key aspect of mediation is that the mediator neither ‘sorts things out’ nor makes any decisions on behalf of the involved parties. Instead, he or she encourages the parties to collaborate consensus oriented towards an agreement way before their dispute escalates to litigation.

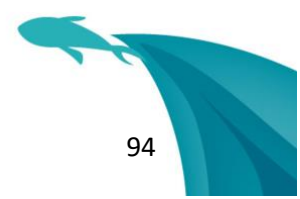
Interview Guide

Introductory question: what 3 words come to mind when you think about conflicts at sea?

	Research questions	Interview questions
1	What are the formal and real competences of the interviewed person?	<p>Tell us about your background?</p> <ul style="list-style-type: none"> a) Professional position b) Age, if you wish to disclose. c) Gender, if you wish to disclose d) Education e) Work experience f) What is your main occupation? What do you do? g) In your opinion what are your main skills?
2	<p>Experience with mediation (arbitration / litigation) Knowledge of mediation</p>	<p>Have you had so far, any experience of solving disputes by using mediation (or negotiation/conciliation)?</p> <p>Do you have any mediation training? Are you a mediator yourself?</p> <p>Have you ever been involved as one of the parties in a mediation to solve a dispute/conflict?</p>

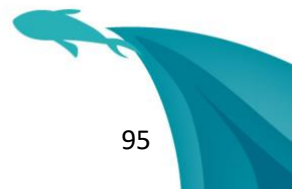


		<p>Have you had so far, any experience in arbitration or litigation?</p> <p>Do you have any arbitration or litigation training? Are you an arbitrator yourself?</p> <p>Have you ever been involved as one of the parties in an arbitration or litigation process?</p>
3	<p>Attitude towards mediation</p>	<p>Do you think mediation is a positive/acceptable way/negative/unacceptable way to solve a dispute?</p> <p>Why do you think mediation is a positive/acceptable way/negative/unacceptable way to solve a dispute?</p> <p>Explain please...</p>
4	<p>Suitability of mediation 1</p> <p>What kind of maritime disputes do you think mediation is most suitable for?</p>	<p>Without any help, please intuitively tell for which disputes mediation could make sense.</p>
5	<p>Suitability of mediation 2</p> <p>On a scale from 1 to 5 where 1 is unsuitable and 5 is strongly suitable</p> <p>... for which disputes mediation could make sense.</p>	<ul style="list-style-type: none"> • Salvage • Collision • Hull damage claims • Groundings • Charter Party Disputes (freight, hire, demurrage) • Unseaworthy claims • Towing • Personal Injury • Marine insurance disputes • Cruise passenger (contractual, injury, death claims) • Cargo (damage, construct of carriage, bills of lading, dangerous cargos) • Ship building contract or repair disputes. • Bunker disputes • Claims regarding the crew, passengers, stowaways, and shore workers. • Marine pollution • Work conditions at sea • Harassment claims • Safety issues • Fishing quotas • Use of the sea for recreational purposes • Use of the sea for economic purposes (energy, for instance)
6	<p>Suitability of mediation 3</p> <p>On a scale from 1 to 5 where 1 is unsuitable and 5 is strongly suitable</p>	<ul style="list-style-type: none"> • Parties have a history of cooperation and successful joint problem-solving. • The number of parties to a dispute is limited. How many parties maximum? • Issues are not overwhelming in number, and the parties have been able to agree on some issues.





	<p>... in which situations mediation could make sense. Where:</p>	<ul style="list-style-type: none"> • The hostility among the parties is moderate. • The parties desire for settlement is high. • There is an external pressure to settle (time, money, or unpredictable issues?) • There is an existing or a possibility of an ongoing relationship among the parties. • The alternative to mediate is unsatisfactory (e.g., a quick solution is needed, ...) • Can you imagine other situations? (Open question) <p><i>(Digging, using the 5W, why, who, when where and how...)</i></p>
<p>7</p>	<p>Mediator skills 1 In your opinion / experience; what skills are essential for an effective maritime mediation?</p>	<p>Without any help, please list what skills are required for a mediator to present for a maritime mediation to be effective.</p>
<p>8</p>	<p>Mediator skills 2 On a scale from 1 to 5 where 1 is unimportant and 5 is very important how would you rate the following skills are for an ideal mediator</p>	<p>Importance of mediator skills</p> <ul style="list-style-type: none"> • Neutrality, fairness • Listening ability • Clear and understandable communication • Confidence building skills • Goodwill and Empathy • Assertivity • Negotiation skills • Knowledge of the field • Informing the parties during the process • Observation capability during the process • Settlement oriented • Reconciliation oriented • Emotional intelligence • Patience • Good summarising and reframing skills • Good «questioner» • Credibility and reputation • Capacity to promote a trustful environment <p><i>(Digging, using the 5W, why, who, when where and how...)</i></p>
<p>9</p>	<p>Preparation On a scale from 1 to 5 where 1 is unimportant and 5 is very important, please rate how important is the mediator's preparation in order to....</p>	<ul style="list-style-type: none"> • ... decide whether the conflict can be mediated or not (e.g. overwhelming power differences, history of violence between parties) • ... decide whether the mediator himself is the "right person." • ... set up a competent team of mediators (in case of complex conflicts) • ... set up an adequate process design and strategy. • ... create an atmosphere of trust and mutual confidence.





		<ul style="list-style-type: none">• ... understand the issues, "facts" of a case and the parties' positions.• ... be able to reconstruct and understand the conflict.• ... be able to cope with unexpected situations and/or difficult participants (high emotions, seaming deadlocks, blocking attitudes...)• ...be able to help parties discover and define points of agreement and disagreement.• ... be able to support parties to create manifold options for a possible agreement.• ... help parties to develop and elaborate an agreement (that is SMART: Specific, Measurable, Attainable, Realistic and Time-bound)
10	<p>Do you think that developing and offering an education for maritime mediators is a good idea?</p> <p>In case the answer is affirmative: ...to whom should these courses be directed to? ... who should promote these trainings. ... what about a certificate and accreditation (where?) ... would you consider undergoing a training/establish training in your organization/enterprise</p>	<p>Without any help, does a specialized training makes sense? If yes: why? If no: Why not?</p>
11	Closing	<ul style="list-style-type: none">• What should I have asked you about in addition to what we have been talking about?• Any other comments you wish to make

